THE NEW POLITICS

F. B. VROOMAN

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THE NEW POLITICS

BY

FRANK BUFFINGTON VROOMAN,
B.Sc. (Oxon.), F.R.G.S.

Author of Theodore Roosevelt, Dynamic Geographer

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TO ONE

IN WHOM I HAVE FOUND

THAT RAREST OF COMBINATIONS

A DARING IMAGINATION AND A CONSERVATIVE JUDGMENT

MY BROTHER

CARL VROOMAN

48,630

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PREFACE

The reader will observe that this volume is neither a treatise nor a collection of essays. The result of the leisure hours of many busy days, the author has decided to let it go forth with all its repetition of phrase and idea, which, while doing violence to his literary tastes, he hopes has not been overdone in his effort to emphasize a few fundamental principles.

The author desires to acknowledge his obligations to his brothers, Rev. Hiram Vrooman (Author of "Religion Rationalized") and Mr. Carl S. Vrooman (Author of "American Railway Problems," Oxford University Press, etc.), for their helpful criticisms; as well as to Professor Charles A. Beard (Columbia University). Perhaps here it will not be out of place, in behalf of his brother, the late Walter Vrooman, Founder of Ruskin College, Oxford, for the author to extend to Professor Beard for his assistance in that great movement those public acknowledgments of appreciation which his tragic and untimely death has made forever impossible. For of all the men Walter Vrooman gathered around himself at Oxford a dozen years ago, the writer personally knows, there was no one to whose zeal and abilities he attributed so much as to those of Professor Beard.

Washington, D. C., July 4, 1911.

LETTER OF INTRODUCTION

To Anglo-Saxon Youth:

Young men and women of Great Britain and the United States, this century belongs to you. It will be what you make it. There is something fundamentally wrong in the civilization to which we were born. If you do not make it right it never will be righted, for something is being crystallized in the social melting pot and soon will be precipitated once for all—at least so far as this new world epoch is concerned upon which we are now entering. Your opportunity to-day is like the White Steed with hoofs of lightning in the Arab's fable. It will pass your way but once.

If my observations have been to the point, they assure me that those of you, mostly, who have your ideals left—whom the "New Paganism" has passed over and left unscathed—are in little sympathy with that era of revolution and disintegration which is now coming to a close—the era of individualism—and which must come to a close if the British Empire and the American Republic are to endure—if the world-supremacy of the Anglo-Saxon is to be maintained.

The question of national survival is offensive to the egotisms of our race. Commercial journalism and vaudeville literature and candidates for office avoid it. But the survival of our nations on any terms recognizable to posterity as the states our fathers founded and died to

found them so, depends upon the democracy of nationalism superseding the democracy of individualism, and whether your patriotism prompts you to give as much as your fathers gave.

Are we not by this time sure—those of us who have dreamed that this world might be made a better place to live in—that the selfish instinct and brute force of the prehistoric man-beast on which our Politics and Economics are frankly founded, and in which are imbedded all democracies of individualism, are fundamentally and irretrievably wrong? Are we not to be more than witnesses of the passing of the civilization of the Ishmaelite and its sullen gospel of anarchy and rapine and strife?

There is something the matter with the man who is satisfied with the world as it is and has been; who cannot see that too much of the whole life struggle of the human race has been given to the bare maintenance of physical existence; a game for the vast majority hardly "worth the candle." Christian civilization cannot be said to have penetrated, to say nothing of having permeated, a system which requires of the vast majority of the human race that virtually all the conscious hours of life be given up for insufficient food and clothes and place to sleep. If labor is the sole reward of a life of unremitting toil; if over and above all this hangs the two-edged sword of Damocles in the certainty of no better and the uncertainty of as good; if phantoms of weakness, pauperism, disease, and death lie in ambush in the road ahead for myriads of your brothers and sisters and mine, young man and young woman, and if you are still satisfied with the world as you find it, that which is distinctly

human—certainly every vestige of the divine—has been left out of your nature, and you would better close this book here, for you will never be able to understand it.

Let us hope that we are at the beginning of a new era, for we are certainly at the end of an old one. There is a new spirit abroad. It is not merely reaction, nor reform. It is renaissance. Anglo-Saxon youth is waking to new ideals, embracing a new chivalry, embarking on a new crusade. There is a new ideal and a new faith. Give these a chance. Science will take care of itself. The emphasis this moment belongs on Soul, not Things. With our transitional age rent wide open in the cataclysms of readjustment—the spirit of man limping so far behind his advance in material achievement—who would not lose faith in that new all-sufficiency, that new infallibility called science? The spirit of man must master science or science will destroy the spirit of man. A generation ago we were afraid it would disprove Genesis and make atheists of us. There is a greater menace. Is it not making materialists, and will not this make atheists of us? The spirit of this age is openly and professedly pagan. Our ethics and economics and Politics are founded on interests, not principles. The spirit of the age is a spirit of open and unblushing self-aggrandizement. This boasted twentieth century world of ours is a world of Things. The best elements of human life are being suffocated in Things. Our *morale* is so low that we have sought to achieve success by any means which could be made to appear legal, and have thought no shame of a business system based frankly on an illimitable greed; or of a Politics on the same foundations

without the fundamental consideration of right and wrong.

What this century is to be depends on you. The future of the Anglo-Saxon race depends on what this century makes it. We cannot survive individualism. The future belongs to the organized races of mankind. Let us adopt a philosophy of life which will allow us to get together. We are all more or less lonesome. Let us have a social philosophy without socialism. Let us understand that more good may be wrought by working together for the same thing than by working against each other for the same thing. Let us know that if ever there is to be "peace on earth," there must first be "good will toward men." Let us entertain great ideals and seek great aims. We are no longer doers of great deeds. We are makers of great trades. Where once were heroes are money heaps, degeneracies and decay. Great deeds may be wrought again where luxury and idleness walk hand in hand to-day. The spirit of our fathers may return—the spirit which founded great nations, fought great battles, bequeathed great principles, recorded great deeds, registered great prayers. Where George Washington carried the surveyor's compass through the pathless woods and started the advancing hosts of American conquerors over the Alleghanies, what have we to-day? Pittsburg!

> Where the land is dim from tyranny
> There tiny pleasures occupy the place
> Of glories, and of duties: as the feet
> Of fabled fairies when the sun goes down
> Trip o'er the ground where wrestlers strove by day.

THE AUTHOR.

"Distinguished German philosophers who may accidentally cast a glance over these pages will superciliously shrug their shoulders at the meagerness and incompleteness of all that which I here offer. But they will be kind enough to bear in mind that the little which I say is expressed clearly and intelligently, whereas their own works, although very profound—unfathomably profound —very deep—stupenduously deep—are in the same degree unintelligible. Of what benefit to the people is the grain locked away in the granaries to which they have no key? The masses are famishing for knowledge and will thank me for the portion of intellectual bread, small though it be, which I honestly share with them. I believe it is not lack of ability that holds back the majority of German scholars from discussing religion and philosophy in proper language. I believe it is a fear of the results of their own studies which they dare not communicate to the masses. I do not share this fear, for I am not a learned scholar; I myself am of the people. I am not one of the seven hundred wise men of Germany. I stand with the great masses at the portals of their wisdom. And if a truth slips through, and if this truth falls in my way, then I write it with pretty letters on paper, and give it to the compositor, who sets it in leaden type and gives it to the printer; the latter prints it and then it belongs to the whole world."—Heine, Religion and Philosophy.

BOOK I
THE PHILOSOPHY OF ISHMAEL

CHAPTER I.

POLITICAL CHAOS

The chaos reigning over Anglo-Saxon Politics today is a pathetic commentary upon the vanity of all human hopes. We find everywhere democracy discredited and a disappointment, and liberalism bankrupt, and that after all the millennial dreams of the eighteenth and nineteenth centuries. Everywhere we see simultaneously, in the old world and the new, liberalism leaping with starving avidity upon the program of socialism, with no justification in logic and with no excuse but its own sterility and emptiness. In England it is Cobdenism, which represents the democracy of individualism and *laissez faire,* abandoning the principles which once made it a rationally consistent (for it never was a consistently rational) political creed, for a program of socialistic opportunism. The only difference between British Liberalism and its present tendencies, and British socialism and its present status, is that socialism is built in the foundations of principles consistent with its articles, whereas modern liberalism issues a propaganda whose articles are founded on the principles of neither individualism nor socialism. This political mélange is a sorry commentary on the intelligence, or on the sincerity, of modern British liberal statesmen.

In the United States it is the self-styled Jeffersonian democrats who, in the very moment of shouting for the Declaration of Independence (which they still consider,

by the way, a political issue), abandon every principle of the individualism which gave it birth and clamor for an extension of national government to a degree even undreamed of by Alexander Hamilton—extending Jefferson's theory of a national government, which he declared must be a department for foreign affairs only, to the extent of government ownership of railroads. Whether this is a puerile abandonment of every vestige of political theory, and every safeguard of political principle, or a shameless opportunist appeal to catch the popular vote, it is, in either case, a pathetic spectacle and illustrates the inadequacy of individualism as a working theory of life. How rapidly the world is drifting away from the theories of Rousseau, that organization is a blunder and civilization a crime, and of Adam Smith, of the essential harmony of discord, may be seen by the way the loudest professors of these doctrines are turning to socialism.

Anglo-Saxon Politics is opportunist and destitute of a guiding principle. Starting off over a hundred years ago with the negative idea that we should keep just as near anarchy as possible and still have an excuse for a government, we, the American contingent, have blundered along making such headway as was necessary to a race which blind luck had given the best chances in the history of humanity; making such progress as we could not well avoid because of our geographical and economic position.

Neither England nor America enjoys the luxury of solitude in its political confusions. The whole Anglo-Saxon world presents a political chaos, in which all

parties are indiscriminately mixed; devoid of any fundamental line of cleavage and innocent of the very suspicion of a first principle.

We are brought to face the indisputable fact that *laissez faire* liberalism is inadequate to the necessities of twentieth century politics, or to any national life in its foreign relations or its domestic concerns.

If there is to be an Anglo-Saxon hereafter, the day has come for something more than the political opportunist. We must understand that the party boss is a traitor to his country, and that there is just now no treason more worthy dire and summary doom than the selfish program of the individualist.

I challenge the pretensions of the modern individualist, Republican or Democrat: the *laissez faire* liberal whose latitudinarianism is sufficiently spacious to engulf a socialistic program. I challenge his right to political leadership on the ground that he himself does not know where he stands; that there is fundamental and irremediable antagonism between his policies and his politics; that his inherent and opportunist ideas, the best of which are without root in any rational system, have been sown into such a jungle of political undergrowth as to unfit him for serious leadership in any national or imperial crisis.

Politically, the Anglo-Saxon peoples have instinctively felt where they could not see their way. They have groped blindly toward a saner future, toward a juster social environment, and, to a limited extent, have actually incorporated into their national institutions certain great principles which they have not yet recognized as such.

We have made one great blunder, and that is, in the assumption that the world of politics is a chance world and not built in law and order; that it is a *laissez faire* world over which is written, "Abandon reason all ye who enter here."

There is no political science in America far separated from the science of demagogy—of manipulating shibboleths and newspapers, and controlling those forces which control public opinion—which fills public office with men and clothes men with power, and too often prostitutes power to tyranny.

We have come to a point in the history of the United States when we can foresee the destruction of our liberties. The failure of the democracy of individualism is registered in the multibillionaire.

"Felix qui potuit rerum cognoscere causas," quoth Virgil.

The time has come for some fundamental thinking. We must go straight back to first principles and reëxamine and restate our political creed.

Frankly, we are getting tired of *laissez faire*—the Ishmaelite theory of a free scramble with every man's hand against his brother. We may see all over the civilized world to-day a drift away from the individualism and anarchy of the eighteenth century—a movement in every realm of human thought and action toward coördination, combination, organization, socialization. There is a danger that this movement may proceed too far. In politics this would plunge us into socialism. The world is growing weary of individualism and lonely in its unsocial life and thought. It is quite certain we are

through with the revolutionary ideas of the eighteenth century. It is not at all certain we will not go to the other extreme. We have seen in the nineteenth century the movement away from *laissez faire* and toward nationality in Germany, France, Italy, Switzerland, Great Britain, and United States. But there is another world-movement alongside it, and that is socialism.

In the Anglo-Saxon world the reaction from individualism is toward socialism.

The question arises, can we not find a middle ground common to what is true in both these antithetic systems, excluding, as far as possible, what is false in both, in what might be called the *democracy of nationalism*—a nationalism which is really democratic, and which is at the same time rational, ethical, and efficient, a nationalism based on the idea that the state has an ethical foundation and a moral mission? That the state is a mere contraption devised for the protection of "vested interests"; for securing a *laissez faire* competition to guarantee a free field in which the strong and cunning prey upon the weak is a conception which is losing its hold upon the humaner elements of mankind.

The American people need a reëxamination of their political faith, a realignment of political parties. There is no evidence that our "statesmen" will essay this task. Has not the time come for some one at least to raise the question? Is it not time to strike a new note, to insist upon finding a fundamental political idea, to discover an elemental line of cleavage, if there be such, between the two great political parties? Is there anywhere ground for hope of a realignment of parties along the line of

cleavage, which appears more or less distinctly from the beginning of American Politics to the present day; of abandoning the selfish and whimsical opportunism which constitutes the center and circumference of American political life and building toward a sound and rational future, toward an ethical and constructive democracy, on the basis of a few principles whose value has been amply demonstrated in a century and a third of our national existence? Shall we have a political philosophy in this country? If so shall it be also an ethical philosophy? Is there enough moral fiber among us to shift the foundations of American Politics from interests to principles? Are we capable of rising above the plane of profit and loss? Are we completely besotted in our selfishness, or have we sufficient intelligence to serve as a clearing house for first principles? Dare we hope that the riot and anarchy of self-interest, the void of reason and ethic which prevails in our political machines, platforms, speeches, and bosses shall give way to a succinct challenge of principles under which issues will take care of themselves?

Shall we meet the twentieth century issue squarely in the approaching titanic struggle between the democracy of individualism and the democracy of ethical and constructive statecraft?

The first thing we want is our fundamental idea. For behind political policies is—or ought to be—a rational Politics. And behind a theory of political association is a theory of life. And the fundamental fault in American Politics is the American theory of life, and that theory of life is egoism, individualism, breaking

out now as commercialism, now as financialism—always materialism.

We have played all the variations on freedom and equality, individual liberty, natural rights. These have become the undisputed theoretical possession of mankind. We want a new *motif*. That *motif* is the common good.

We have laid claim to all our rights and some of us to more. Who wants to name his duties? We have harped on the phrases of the Declaration of Independence until the harp is out of tune. We must turn to the purposive, ethical mission named in the preamble to the Constitution "To promote the *general welfare.*"

The task of the statesman of the twentieth century is to protest without calculation against the hell of individualism; to create a rational theory of political association on American and real democratic foundations, drag it up from the turmoil of conflict, give it ethical motive and rational form, and breathe into it a spirit which shall lift it to the level of a patriotism.

Our task is to discover the principles underlying our great movements, the unclassified upward struggles of a mighty people; to be able intelligently to guide the rebound of political theory and practical statecraft in the present and unmistakable reaction from the extreme of individualism to the extreme of socialism. To crush anarchy and prevent socialism; to hew the highway straight for the middle way; to direct the development of American Politics on safe and yet human lines—this is our task.

The best way of framing a rational Politics is to begin

by reading history backward. If we have a nation, a national life, and a national idea, national institutions worth preserving or worth improving, no one will deny the right of search for those principles which have made us a nation instead of a bunch of feeble and warring States. It is no more difficult to trace the history of an organic and rational Union back to the atomism of Confederation and State Rights than to trace a rational and orderly universe back to the fire mist. From such a process we may do more than draw seemly conclusions. We may discover laws and principles, and they always lie alongside law and principle. As in physics or astronomy, so in politics. It is scarcely sufficient that each expanding bosom solemnly announce as law such theories as seem to him good. As to first principles in politics, history leaves the only unimpeachable testimonies. For after all, there is some truth in Freeman's favorite phrase that history is past politics and politics is present history.

Is there not some abiding principle somewhere outside individualism and socialism—outside unorganized or organized selfish instinct—by which we can regulate our political life, and which will offer a *rationale* for human existence and present the basis of an environment where the spirit may live and man may grow?

De Tocqueville pointed out over two generations ago that the progress of democracy meant the final annihilation of those ties which held together the old *regime;* and that anarchy would follow the disintegrating process. This is exactly what has happened, for perhaps in America more than in any other country where democ-

racy has gained headway, the principles which brought democracy into being have issued through *laissez faire* into a free-for-all race with no recognition of the principles of handicap, in which industrially, commercially, and financially, competition has at last destroyed or is destroying itself. The principle as a working theory of life was beneficial to a certain epoch with certain conditions intolerable because things were so bad that anything which would destroy would benefit. After its revolutionary work was done, it became a denial of law and order and the *rationale* of law and order, except as law and order were considered as a very crude protection of the individual against violence aimed at his person or property. It was not to the interest of the exploiter, the financier, the politician (in the American sense and spelled with a small "p") to have the weak protected or to have the devious methods of cunning subject to the state control.

Thus democracy arose in individualism, and individualism in anarchy, and anarchy is protest against human government. The democracy of individualism arose when anarchy compromised with such government as was considered a necessary evil and would protect life and property from overt physical force, leaving wide open all the approaches to cunning, exploitation, and chicanery. Here is where the experiment of the democracy of individualism has failed in every European country, and where in the Western Hemisphere it stands to-day discredited and a disappointment. This is why, the world over to-day, liberalism is bankrupt.

Out of the existing confusions of prevailing atomism

which nowhere contain the potency of an ethical state, certain new elements appear, both ethical and rational, which give the promise of an adequate environment for that mighty organism of humanity, which shall some day do no violence to the thought of God.

The individualism of the eighteenth century has been weighed and found wanting. Our ethical Hedonism is an inadequate foundation for a rational state.

Professor Butcher says that the Epicurean theory of the state, an association for the protection of rights and nothing more, "gained acceptance in the decline of Greek life and was itself a symptom of decline," and Lecky says of it, that it has "proved little more than a principle of disintegration or an apology for vice." "Anarchy is the creed of unreason in Politics," says the late Professor Ritchie, "and is a political philosophy only in the sense in which absolute scepticism may be called a metaphysical system." (Natural Rights, Pref.)

The story is told of the boyhood of Epicurus, that, with his teacher, he was reading the lines of Hesiod:

> *Ητοι μεν πρωτισα Χαος γενετ,' αυταρ επειτα*
> *Γαί ευρυσερνος παντων εδος ασφαλες αιει*
> *Αθανατων*
>
> "Eldest of beings, Chaos first arose,
> Thence Earth wide stretched, the steadfast seat of all
> The Immortals."

The inquisitive youth at once asked his preceptor, "And Chaos whence?"

Whence Chaos?

From Epicurus I should say.

CHAPTER II

ETHICS AND INDIVIDUALISM

There is naught in these pages intelligible to any man with whom it is not agreed at the outset that nothing human can be settled apart from the ethical consideration.

The problems of politics will be held as unsolvable without going back to the everlasting questions of right and wrong and rationality. By reason of their essential nature, they invade those chaotic voids which individualism has bereft of law and order and where a state of anarchy has left free play for an unbridled scramble for the wealth, place, and power of the world; where the greeds and hatreds of men masquerade under the unctuous catchwords of Jacobinism: "freedom of contract," "free trade," "free competition," "individual initiative," *laissez faire,* etc. These phrases once had a meaning. But they no longer even cloak the hypocrisy and greed they once tried to expose.

What we want to-day is an ethical theory of politics based on an ethical theory of life.

If we agree to agree so far with Kant that the only unconditioned good in the universe is the element of good will, we must abandon at once the whole theory of individualism, that "free competition" where the big eat the little, and both the politics and economics which are the conclusions of a philosophy of life which justifies a man's selfishness to himself.

But the ethical form is not enough. Art and Science are powerless to *accouche* the new age because the ethical objective is incomplete without its spring and motive force, the ethical subjective. No benign future lies over the sensuous hills of color and form, and there is no "surcease of sorrow" from "man's inhumanity to man," without the vital fountain of all rational human conduct, the *ethical motive of good will.*

Our ground ideas must not only provide an answer which shall say why a soldier will rush to death in battle for his country or why men toil without hope of reward, that life may be sweeter for those still unborn, but they must somewhere unfold a faith puissant and adequate to kindle patriotic fires and inspire the spirit of political heroism once more. We must find that which not only accounts for nobility of life, but which calls it forth. Any political theory neglecting this element is false or faulty because Politics looks forward as well as backward, and considers the ought as well as the fact.

If we are to solve our political problems, we must first know what is the matter with us. The matter with us is that our theory of life dominates our politics and economics and our theory of life is a slightly modified Epicurean Hedonism, egoism, atomism, anarchy.

The most of us are too old in heart if not too old in years to face the present economic anarchy with an ethical ideal and a principle and a point of view. Shall the present "moral wave" sweep over this country, then blow out a stop cock and escape in hissing steam? Is it any more than a craze? Will it last longer and accomplish more than our mad, national enthusiasm for

Trilby's foot or Teddy's bear? We Americans are mercurial. We do not hold form or heat. Just now we are very angry because we have been buncoed by a set of financiers whom a little while ago we worshiped as certain gilt deities of a new order of Golden Rule. Now we, the American people, do not like to be buncoed. In our indignation we resort at once to writing a few articles and making a few speeches. Then when we have blown our blast—lawyers, preachers, journalists, artists, professors, stockholders and hired men among us—we step cheerfully into the procession again and stand in line with an open and irritated palm behind our back and without batting an eye, take our tip like a head waiter.

Let it be made as clear as possible just here that no one in these days but the professional anarchist lays claim to the theory of pure individualism. Those who classify themselves under this category profess to believe in a highly modified article, and there are as many modifications as there are individualists. It is plain that any attempt to define them all would lead to an unending confusion. I beg to refer at once, therefore, to the somewhat brief and inadequate definition of individualism in Baldwin's Dictionary of Philosophy and Psychology.

"Individualism is:

"(1) *Regard for exclusive or excessive self-interest.*

"(2) *The doctrine that the pursuit of self-interest and the exercise of individual initiative should be little or not at all restrained by the state and that the function of government should be reduced to the lowest possible terms.*"

The definition goes on to state that in ethics the term is applied to those theories deriving the moral ideal or standard from the individual man. I hope, however, the contention will be considered fair for the purposes of this argument that individualism must be considered as a system of thought—a philosophy of life—which must stand or fall as a system and not as modified by tenets antagonistic to its main thesis. Nevertheless, it may be remembered that we have here a definition of not a pure individualism but a nineteenth century article; one so modified by the experience of men since the revolutions of the eighteenth century as to distinguish it from pure anarchy. As Professor Hibben of Princeton has clearly stated it: "The theory of individualism in its extreme form leads to anarchy, which is the reduction of governmental functions to zero."

He further describes such an antithesis as is here under discussion as *"Social atomism opposed to the social organism."*

I fancy there are some things in which we are all better, and some in which we are all worse, than our creeds. But the plain uncorrupted and unmodified theory of the democracy of individualism presents that idea of the state which is simply the apotheosis of the policeman. This constitutes the "business theory of the state." Beyond the area of the "beat" and the authority of the "baton" this theory says "every man for himself." The weak perish and the cunning and the strong survive. Because the strong and cunning win, they ought to win. This is the essence of the ethics of individualism. Whatever there is that is admirable, or indeed ethical, in the teach-

ings of the democracy of individualism, is where it has departed from the individualistic motive, which is the selfish instinct, and where it has introduced juster and saner relations, in other words, more rational and social relations, among mankind in opposition to the fundamental principles of its creed.

The plain, brutal truth is that our politics are founded on interests, not principles.

Here we are fundamentally wrong—I mean ethically wrong. The criticism of Lord Salisbury (Oxford Essays, 1858) in reference to British Politics is equally applicable to our own. "No one acts on principles or reasons from them." This is a serious indictment, and it may be applied to Anglo-Saxon Politics since the century of individualism and revolution.

Instead, we have, for the most part, the tragedy of the frank avowal of a life philosophy which faces the universe and attempts its riddles upon the simple proposition: "What is there in it for me?" We have exposed the age we live in to a criticism as old as Plato's restrictions on Antisthenes and the Cynics who ignored all they could not "grasp with teeth and hands."

It is a sorry coincidence that our national life had its beginning in that era which, more than any other era of recorded history, was fullest of the disintegrating philosophy which was revolt against rationality, government, architectonic statecraft. If, later, we turned ourselves to constructive state-building it was only because the wiser men among the fathers found that Jacobinism offered no rational foundation for an enduring state;

and thus one was made out of thirteen—surely an unlucky number.

Thus it came that this "business theory of the state" of ours, based on the Epicurean ethics and theory of life, is that into which our new American nation was born, and, as it were, baptized. At bottom we are still Hedonists in morals and atomists in politics. A serious survey of the sordid and pathetic spectacle of American Politics—a calm perusal of the selfish and unintelligent story of American political history—will not justify the Fourth of July orations which have been emptied upon them, nor the American Jacobinism which is here disclosed.

The ethics of individualism has magnified the acquisitive instinct. It is the system which, in justifying a man's selfishness to himself, has carried on the work of the disintegration of society and of our political institutions until our whole contribution of modern democracy has been framed with reference to the success and perpetuation of the acquisitive instinct. A political system founded on interests, not principles, can meet with no other fate. An economic system framed in the interests of "economic man" which (one cannot say who) is simply a covetous machine, can reach no other conclusions than to present us with one man who owns or controls one-eleventh of all the wealth of the richest nation the world has ever seen. How soon will he control it all?

The narrow Hedonists to whom we owe our ground idea in ethics, economics, and politics, framed a string of notions so congenial to the immature and unregen-

erate soul of man that they have been followed more joyously, and their teachings lived up to more piously, than any other ethical system devised by man. It is so simple. There is but one ethical motive—appetite. All endeavor is prompted by appetite. The desire for selfish gratification is the fount from which all blessings flow. There is but one standard of judgment—the selfish opinion of an egoist. There is one mainspring of action —the desire for one's own selfish gratification. "Whatsoever," quoth Hobbes in Leviathan, "is the object of any man's appetite or desire, that it is which he for his part calleth good, and the object of his hate and aversion, evil." My pleasure is my *summum bonum,* and as I am the only judge of what I want, I am the only judge of my chief good. Thus Hobbes, and his disciples, Locke, Rousseau, and all other Epicureans and Utilitarian atomists and materialists before and since his day.

This is the prevailing Anglo-Saxon theory of ethics. This is the foundation of our politics, and economics, and much of our religion. This is the simple ethics of individualism.

The individualism of to-day is different from what it was in the first crude and barbarous ebullition of its youth simply and solely because men found they could not hold society together and lead the lives of human beings while allowing the selfish instincts of the strong and cunning to run rampant and uncontrolled by society. Adam Smith's contention that the good of all would somehow follow the selfish antagonism of each, soon found itself enveloped in a halo of interrogation points in the factory legislation and the great masses of other acts

passed since his day, every one of which has flatly denied his fundamental thesis.

Eighteenth century individualism offered no other standard of action than acquiring profit and escaping harm. It became the principle of the political philosophy of the French and English-speaking peoples, and has dominated them for a hundred and fifty years. Hobbes's theory of the reduction of all the activities of the human will to self-preservation and self-indulgence, in other words, to a modern Epicureanism, became the philosophical foundation of those forces of individualism which dominate whatever of political theory we have in America, showing itself in the "business theory of state."

One need not look far to see how the creed of Bentham, that benevolence must give way to self-interest; of James Mill, that there is no place in a theory of society for a moral sense; of Malthus, who opposed brute instinct to benevolence as the foundation of ethics and of the business and social order; of the Manchester school, which brooked no legislative control of industrial-commercial ravening more than maniacal—demoniacal—how these and other such monstrous beliefs prevailing in a world nominally Christian and really individualistic, have dominated nineteenth century civilization, and to this day. If the French Revolution was the offspring of individualism, no less was the commercial and industrial anarchy of England, which has so much to answer for in *dies iræ*, for every hollow-eyed child of the tens of thousands of unhappy children whose very flesh and bones were woven into the cotton fabrics of Manchester and

Birmingham, whose souls were transformed by the alchemy of individualism into the golden foundations of England's wealth.

Bentham and James Mill, indeed the whole early school of *laissez faire* economists and Radicals, preached a simple way to the millennium. All that kept humanity from achieving it were aristocratic rule and monarchic government. Sweep these away and place the manufacturer and millionaire tradesman in the place of king and noble, and labor would be protected and mankind would come to its own. The middle classes would guarantee the lower classes in their rights. The younger Mill, seeing the miserable failure of these crude dreams, lost much of his early faith in democracy; i. e., the democracy of individualism which he grew to look upon as the misrule of mediocrity which would crowd the higher virtues of mankind to the wall, enslaved by an insidious despotism. A dead weight of democratic conservatism, massed and bound in its own inertia, would, because of its own incapacity for framing a rational program, set itself across the path of progress and keep the *status quo* by a policy of veto.

It is greatly to the credit of Mill that his defense of utilitarianism has done more to undermine the system than any other book written in his century. If he accepted Bentham's doctrine of pleasure and pain he transmitted the dogma through his own superb character into something totally different from what Bentham actually taught. In a nutshell, Mill taught that happiness is the result of goodness; therefore, the love of pleasure is the love of virtue; and, therefore, the pursuit of virtue

is the pursuit of pleasure. But Mill, with all his powers of argument, has not been able to make real morality subservient to Hedonism. A system must be judged by its effect upon the masses of mankind and disinterested acts of self-sacrifice will never be done by the masses "for the fun of it." To say that the patriot immolates himself on the altar of his country because it is a pleasure to him is to beg the question. It is to deny the existence of a disinterested motive. It might be admitted that Florence Nightingale or Clara Barton found more pleasure in ministering to human suffering than in a life devoted to the game, e. g., of social precedence. But unfortunately the majority of the human race is not constituted that way. Therefore, the doctrine of pleasure and pain—utilitarianism—does not mean the same to them. This doctrine means to the masses of mankind that pleasure is self-indulgence, and, to the masses of mankind under utilitarianism, self-indulgence is erected into a moral principle. But this is assuredly and openly admitted by the classical economists whose millennium lies in the direction of each individual pursuing his own pleasure; i. e., the masses of mankind following blind, selfish instincts instead of adopting an architectonic rational ethical idea which they may erect into a great institution called a state.

The crucial point at which the ethics of individualism fails is in not distinguishing between pleasure and the object of an action, or perhaps going further and identifying pleasure with the object of all action and affection. This reduces the motive of ethics to selfishness. This Hedonism falls down because it takes no

account of a disinterested affection or action. There is no distinction between the object of an action and the pleasure which accompanies the exercise of that action or affection. A man loves his country. He goes into battle and gets himself shot because it gives pleasure to a patriot to get himself shot. A man loves his son. He does things for his son because it gives the father pleasure. But this is no adequate account of patriotic or paternal love. Neither a home nor a nation can be built upon it. American Politics needs a new patriotism and patriotism is not possible under a strict individualist theory of life.

Mill cut away the last prop from the tottering utilitarianism in which he was nurtured in his essay on Bentham. After a searching criticism of Bentham's theory of life (which is the first question to raise, he claims, in regard to any man of speculation) he shows how little it can do for the individual. Then he shows how much less it can do for society. It will do nothing for the spiritual interests of society ("except sometimes as an instrument in the hands of some higher doctrine"). "That which alone causes any material interests to exist, which alone enables any body of human beings to exist as a society, is national character; that it is which causes a nation to succeed in what it attempts, another to fail; one nation to understand and aspire to elevated things, another to grovel in mean ones; which makes the greatness of one nation lasting and dooms another to early and rapid decay."

Bentham made the mistake "of supposing that the business part of human affairs was the whole of them;

all at least that the legislator and moralist had to do with."

Again, *"a philosophy of laws and institutions not founded on a philosophy of national character is an absurdity."*

Mill's statement is irrefutably true. It is where the whole school of philosophic radicals and orthodox economists miserably failed in being unequal to framing a theory of politics or economics on any but the foundations of materialism. Their fault was fundamental. Their theory of life was wrong. It nowhere contained the elements necessary to a sound philosophy of national character. It was incapable of supporting a rational theory of national character because it held no rational theory of individual character. The theory was unsocial. It predicated of the state—of society—of humanity, so many human units in a state of war. It denied the element of good will. Each man was trying to get the most pleasure and escape the most pain. This theory of life, in short, was what Hobson calls "the protean fallacy of individualism, which feigns the existence of separate individuals by abstracting and neglecting the social relations which belong to them and make them what they are."

Mill's growth is all the more interesting in that the Anglo-Saxon world has not kept up with it. We are still as a race groveling in the lairs of individualism which this man grew up in and grew out of.

Woodrow Wilson has said in a recent thoughtful address before the National Bar Association, "The whole history of liberty has been a struggle for the

recognition of rights not only, but for the embodiment of rights in law, in courts and magistrates and assemblies."

This is an exact statement of the modern highest type of much modified individualism. Where the nationalist will take academic issue with him is in that he neglects entirely the element of reciprocity. It is always and only "rights." The nationalist would say, "The whole history of freedom has been a struggle for a recognition of rights not only, but an assertion of duties, and the embodiment of obligations as well as rights of both man and nation, in law, in courts and magistrates and assemblies."

This is a statement of nationalism, the old and the new.

It is here that individualism fails. It neglects the principle of reciprocity, which is the soul of sociality. It offers a declaration of rights and no duties, and we cannot avoid the conclusion of Thomas Hill Green that "all rights are relative to moral ends or duties."

This system declares for all rights and no duties, and sets up boundaries between individuals through which the gates swing but one way. When the element of duties enters it means simply that what the individual does not wish to be done to himself he must not do to others. The principle of ethical democracy enters in the voluntary aspect of reciprocity, that the reciprocal law is not imposed from without but from within. Thus we may see that a philosophy of rights and duties, or reciprocity, is simply a realization (if only in the ideal) of the Golden Rule.

The soul of the democracy of altruism is reciprocity—the Golden Rule. Individualism is based on the philosophy of life, which is a search after happiness without obligations, and this theory of rights, stated by individualism, means every time, under analysis, brute supremacy, and, behind it, the sanction of might.

The weak perish; the strong win.[1]

Individualism, therefore, is the bulwark of the contention that Might is Right. Starting with the proposition in politics which, in economics, Adam Smith, and the other economists have preached to the business world for a hundred years, Hobbes claimed that the selfishness of many conduces to the happiness of all, inasmuch as the state is a machine for purposes of realizing enlightened selfishness. "Two conceptions," says Arnold Toynbee, "are woven into every argument of the Wealth of Nations, the belief in the supreme value of individual liberty, and conviction that Man's self-love is God's providence, that the individual in pursuing his own interest is promoting the welfare of all." It is easy to see that, if under a political or economic mechanism, selfishness works toward good, selfishness becomes a moral principle and makes Might Right.

But then this is the theory of *laissez faire*—free and unlimited competition, where the strong or the cunning

[1] On the night of the Fourth of August, 1789, Feudalism was abolished in France. On that night "Malouet, from an inspiration which will do honor to his memory, had adjured his colleagues to take into consideration the lot of laboring classes, to open bureaux of charity, to establish workshops for labor. A low noise arose: they passed on. . . . Camus wished then to add a declaration of duties to a declaration of rights. The proposition was rejected, and Mirabeau wrote that there were 'quibblings there unworthy a political assembly.' What Mirabeau called a quibble was a revolution.

"Thus the two doctrines began to separate."

(*Louis Blanc, French Revolution, vol. i, p. 582.*)

win. For if they win it is on the principle that each acts for his own interest, and that the resultant is the aggregate of individual good, there being no *common* good. So that Thomas Hill Green's caustic criticism of the theory of Hobbes (Principles of Political Obligation, p. 370, par. 47) is unanswerable: "Where there is no recognition of a common good there can be no right in any other sense than power."

It is the doctrine we are accustomed to under the regime of individualism, in the absence of ethics, or the possibility of ethics, under free trade *laissez faire*, where the weak perish and the strong or cunning win, where the selfishness of the many is the good of the all. This fundamental and false foundation of the democracy of individualism makes two things necessary—that *Might makes right* and that *Progress is fortuitous and not rational.*

I say that this apotheosis of unrestrained and irresponsible greed called individualism, and which, reduced to its lowest terms, presents self-seeking as the sole object of the human will, is the negation of all ethics and all religions, and is not the motive, nor does it lie in the direction of the highest development of the human race.

That theory of life called individualism, which has ruled with scarcely a shadow of turning the life history of this planet for a myriad of centuries before there ever came a creature who could frame a theory of life, is only too palpably insufficient for a modern state, in its ideal, its motive, and its point of view.

Its ideal is that each particular organism confined to

its particular torso shall manage to thrill to as many as possible pleasurable sensations (and as few painful ones) before in the course of human events it ceases to respond to anything at all.

Its motive is self-interest.

Its point of view is self.

This is individualism.

This is the philosophy of Ishmael.

This is the philosophy of life of the Anglo-Saxon world to-day. It may not be confined to the Anglo-Saxon world, but the world's business is being carried on, and the world's life is being lived under a philosophy of life which has no adequate ethical foundation, and is devoid of the very possibility of an ethical foundation.

Perhaps I may be permitted to register a personal conviction that the present world activity, world aim, and outlook will never be profoundly modified except by a world religious movement. Should ever we find an absolutely true ethical philosophy it can appeal only to a few. It will be adequate to such philosophers as may both comprehend, believe, and follow it. It will sustain those who already constitute the elect, but for the struggling and stricken hordes of humanity, their souls can never be welded into a fundamental and sustaining principle except in the white heat of passion. Ethical systems will continue to throw light upon the pathways of men, but men are so constituted they must have heat as well as light, and action must follow direction, and behind knowledge there must be the active will.

It has been growing upon me the more I read of

human history, and the more I see of my fellow men, that what this world needs more than all else just now, is not so much more knowledge as living up to the best we know.

It needs Kant's only unconditional good—*good will.*

CHAPTER III

THE SEPARATION OF ETHICS FROM ECONOMICS

The divorce of ethics from modern economic theory has resulted in the separation of morals from modern business life. This separation is due more to Adam Smith than to any other man who ever lived, excepting perhaps the man who did most to separate ethics from politics before him, Machiavelli. Smith has been followed blindly for four generations, and the system he founded still exercises a fearful influence upon the Anglo-Saxon mind. His chief contributions are his method and point of view, which have been peculiarly agreeable to the Anglo-Saxon mind. Adam Smith separated from economics whatever foundations in ethics it ever had. This was done by the isolation of the study of the subject of wealth from human values. While Goethe, in Germany, was clamoring for that exalted point of view which could see life, and "see it whole," the reaction started by the "Wealth of Nations" was not merely analytic, as in the body of it is developed the theory of the division of labor, but it was also destructive in the isolation of the study of wealth from human values. "He simply discussed the question of wealth," says Professor Cunningham. "Its bearing on the condition of the state was an afterthought." So, I fancy, was its bearing on the condition of humanity.

The keynote of the mercantile system which the Smithian scheme superseded was national efficiency.

National wealth was considered as a means to national power. Smith said, in substance, so far as this inquiry is concerned, wealth is the end of human endeavor. The pathetic thing about it all is, that four generations of disciples, which have included several hundreds of millions of human beings, have lived by the proposition that wealth is the end of human endeavor. This very isolation of wealth from every deeper human interest, so universally commended by economists, has had the most unfortunate, even tragical, results. They tell us that it introduced an immense simplification; that it dealt with economic phenomena as with physical objects and natural laws; that while, to his English predecessors, economics had been a department of politics and morals, his English successors recognized that in Smith's hands it "became analogous to physics," and that they "delighted to treat it by the methods of mechanical science," and that this "has brought about the development of modern economic theory."

The economists tell us that this mechanical treatment of a human subject "introduced an immense simplification." So it did. It did so by stripping from it every relationship it sustained to the spiritual world. It did so by reducing it to a sheer sodden materialism. "Immense simplification," indeed! So was that later physiology which isolated the human body, separated it from soul, stated human life in terms of chemistry and spirit in terms of physics, e. g., a mode of motion.

The divorce of ethics from economics has resulted in what Carlyle characterized as the "dismal science." Hence the Englishman under the system of economic

individualism which flowered out of the Glasgow School into the Manchester School became such a creature that to awaken his real beliefs Carlyle said of him: "You must descend to his stomach, purse, and adjacent regions." This "dismal science" was founded on an attempt to create a certain phase of human economics without reference to the human, having foisted in its place a certain "covetous machine" which for want of a better name—or worse—was called "economic man." This monstrous theory would have been baleful enough exuding classic poison in academic shades. Unfortunately, it escaped these confines and spread over the business world like running fire. Had not Smith discovered a new law in license and that every stream of unrestricted selfish instinct trickled finally into the millennial river of the common good? The result of the Smithian scheme has been perhaps the nearest approach to pure and absolute anarchy ever seen in the world in any commanding position for so great a length of time; that anarchy found in the political, industrial, and commercial history of the Anglo-Saxon peoples in their century-long orgie of *laissez faire* sometimes known as the gospel of Manchester.

Leroux, the French Socialist, said, "Man is an animal transformed by reason and united to humanity."

The Anglo-Saxon individualists taught that man or economic man, in whose image they tried to recreate mankind, was a brute transformed by an unrestrained and acquisitive greed and detached from humanity. Thus economics disguised and parading in the masquerade of unctuous phrases and of words humbugged

and bereft of all original and lawful content, entered the lists as welcome champion of the Scarlet Lady of financial privilege and it has remained faithful to its illicit amour to this day.

Starting with the anarchy of individualism, a selfish and wholly irresponsible instinct to be not only gratified but glutted, this school turned its back upon the future and its face toward that barbarism, "nature red in tooth and claw," and hit the trail of the ichthiosaur and pterodactyl. "Assuming," as Ruskin has said, "not that the human being has no skeleton, but that it is all skeleton, it founds an ossifant theory of progress on this negation of soul, and having shown the utmost that can be made of bones, and constructing a number of interesting geometrical figures with death's heads and humeri, successfully proves the inconvenience of the reappearance of a soul among these corpuscular structures."

The foundation of the Glasgow and the Manchester schools of economics was the same as that of the jurisprudence of Bentham, and the politics of Rousseau, and of his perhaps two most distinguished disciples, Thomas Jefferson and Maximillian Robespierre. That foundation was individualism. The fundamental error of the economists was in their conception of values; in making wealth the sole end of man instead of man the sole end of wealth. The result was not a political economy, but an economy of commercialism, which was a pure money-getting materialism on Machiavellian foundations. Considering everything from the standpoint of egoism they set up a crass and brutal end to be gained, and subordinated humanity—that is to say, also, ethics

and religion—to the role of means to the attainment of the end. Smithian economics is Machiavellianism on the bargain counter. This is why economics knows no ethics, and is as wholly divorced from a philosophy of right and wrong as is a table of logarithms—why this "enlightened self-interest" (a phrase which apologizes for itself)—Smithianismus, as the Germans call it—is in business what Machiavellianism is in politics.

The pleasing fiction of economic man, acting under economic law, was about as true to life as was Rousseau's man in a state of nature, where, indeed, economic man might have been evolved. It is a highly suggestive fact that when Darwin looked about him for a phrase to fit the struggle of the beast for existence he found what he was looking for in the "ethics" of the Manchester school, namely, the survival of the strong and cunning (although he named it, inaccurately and unfortunately, the "survival of the fittest").

This is a plain statement of the economic law of unrestrained competition where the big eat the little, and Darwin frankly admitted that Malthus on "Population" suggested the "Origin of the Species."

The academic separation of ethics and politics had preceded the separation of ethics and economics. Practical statesmen, indulging their own self-love, backed and promoted by powerful interests which knew no motive but that of the primeval selfish instinct, found it only too easy to take the academician at his word. Machiavellian Politics is concerned only with success. Smithian Economics is concerned only with wealth. Neither has the slightest leaning toward a fundamental

appreciation of values and neither has an adequate conception of humanity. In both, ethical and spiritual considerations must be considered only as means toward material ends.

"The intrusion of ethics into economics," says Professor Keynes, "cannot but multiply and perpetuate sources of disagreement." (Hobson.) The same may be said of the intrusion of ethics into Politics and government, or indeed the intrusion of religion into life. The "sources of disagreement" in the great questions of human welfare appear as rapidly as the ethical consideration "intrudes." But why "intrudes"? The language is an impudent intimation that ethics is some sporadic and non-essential, non-human quality. As a matter of fact, all human relations involve, fundamentally, such ethical considerations, in that they are unimaginable apart from these ethical foundations. They involve not only the economic problems of waste and utility, but the ethical question of human rights and human uses and abuses. Ethics cannot "intrude" where these problems exist. The very problems themselves are ethical, and if they multiply and perpetuate sources of disagreement, those sources may be found where the claims of privilege assert themselves and those of justice determine.

One of the most curious and, indeed, the most unintelligent corollaries of the Manchester system, is the development and use of the word law. It has resulted in one of the most pitiful of the confusions of modern times. It may be partly owing to the poverty of our language that the word law has been used for the purpose of misleading the popular mind. When the suc-

cessors of Smith began to treat economic phenomena on the basis of a physical or mechanical science, they deduced certain "law." The people were used to considering a law as a rule of conduct. It was something which must be obeyed. The leaders of thought did not make the proper distinctions between a law of science, which is nothing more or less than a statement of how certain things behave, and a law which is evolved in the social structure, containing a spiritual element, which the purely physical realm does not. In science a law has no ethical bearing. In the relations of mankind a law is inconceivable, as not involving an element of obligation, a principle of right and wrong.

It may be said with justice that the Manchester school knew practically no law, as, outside the realm of physical science, we are used to interpreting the word law, for it was destitute of ethics. The very basis of all human law, political or economic, the more so moral law, is obligation. The only obligation recognized in the whole life philosophy of individualism was that to get pleasure, the most of which was to get riches. Prudence took the place of duty. Honesty was no more than the best policy. If it ever could be shown, or if it ever appeared, that in order to get rich there was a more effective policy—so much the worse for honesty. So with all the other prudences which the old-fashioned had known as virtues. The whole system was a soulless scheme of exploitation built on the denial of spirit, leaped upon by the ignoblest elements in mankind and perpetuated in justification of their ignobility. When the Manchester school began to talk about economic law

it began to apologize for itself and made an exhibition at once ignorant and ludicrous.

The economic man behaves so and so. A statement of his behavior is economic law. It is natural for him to follow his selfish instinct. Each man following his selfish instinct works for the good of the whole, therefore each man ought to follow his selfish instinct—*"quod erat demonstrandum."*

This is the economic law. Law must be obeyed. People must behave in business as "economic men," not as human beings and Christians, for getting wealth is the chief end, and this gets wealth. The weak must perish. The strong and cunning must survive. Because they survive they are fittest—not fittest to their environment, but fittest to survive. Economic law is, "Whatever is, is right." Because it is so it ought to be so. People are selfish, therefore they ought to be selfish.

Here was a "law" men were only too willing to obey. It took no uncommon casuistry to circumvent the little difficulties a shrinking conscience might heap in its way. The Manchester moralist did not even teach that Might is Right because it did not recognize the need of right. It substituted for *I ought, I want.* This new categorical imperative has dominated the business world for over a hundred years.

This benign and most Christian philosophy is stated by the Rev. Malthus in all its nakedness in the appendix to his essay on Population.

"The great Author of Nature, by making the passion of self-love beyond comparison stronger than the passion of benevolence, has at once impelled us to that line of

conduct which is essential to the preservation of the human race. He has enjoined every man to pursue, as his primary object, his own safety and happiness (including his family). By this wise provision the most ignorant are led to promote the general happiness, an end which they would have totally failed to attain if the moving principle had been benevolence."

A modern philosopher, who has been wrongly classed with the individualists, opposes to the saying of the reverend gentleman above quoted, "So much benevolence as a man hath so much life has he." It was the German philosopher who found benevolence the deepest of all things in time or space, for it was Emmanuel Kant who said that good will is the only unconditioned good in the universe.

Adam Smith argued that if trade were left alone it would discover how it could go best and that to follow self-interest would promote the best interests of society. Mr. Leslie Stephen naïvely remarks, "Adam Smith's position is intelligible. It was," he thought, "a proof of providential order that each man by helping himself first unintentionally helped his neighbor." It is fairly probable that a consistent individualist will help himself first, and, if he helps his neighbor, it will be unintentional.

When Bentham writes on economic legislation (Manual of Political Economy, 1789), after stating his theory that security and freedom are all that industry requires, he concludes that all economic legislation is improper. Out of this theory, which Arnold Toynbee sums up as "Man's self-love is God's providence," grew the orthodox political economy and the utilitarian

jurisprudence, and the whole system of what is known as "Cobden's Calico Millennium," and which might be not inappropriately styled a dough philosophy, since the two articles of his creed were "get gain" and the "cheap loaf is the chief end of man."

Carlyle, in one of his gentlest moods, thus characterizes the prevailing "ethics" of individualism: "Moral evil is unattainability of Pigs wash; moral good attainable good of ditto. It is the mission of universal Pighood, and the duty of all Pigs, to diminish the quantity of unattainable and increase the attainable. All knowledge, and device, and effort ought to be directed thither and thither only; Pig Science, Pig Enthusiasm, and Devotion have this one aim. It is the whole duty of Pigs. Quarreling is attended with frightful effusion of the general stock of Hogs wash and ruin to large sections of universal Swine's trough; Wherefore let quarreling be avoided."

The conception has been slowly growing upon the world that there are other laws to be considered than those rules under which a few economic Calibans and financial Frankensteins may get rich; laws which involve the elements of obligation and spirit framed with reference to a world's welfare which is the result of something other than a jungle of selfish instincts.

CHAPTER IV

THE SEPARATION OF ETHICS FROM POLITICS

"Machiavelli," says Bonar (Philosophy and Political Economy, p. 60), "has been said, by Knies, to have 'thrown ethics out of politics as Spinoza threw Ethics out of Ethics.'" It could have been said more comprehensively that those thinkers have thrown ethics out of politics and economics and even out of ethics, who have founded ethics on a philosophy of life which justifies human selfishness.

The justification of the selfish instinct is the denial of good will and the elimination of good will removes the bottom from an ethical and rational society.

"When one thinks of how Empires and States have been tossed about from hand to hand by the chances of war and brute force, of Might in a word; how hordes of marauders have from the morrow of some successful campaign continued to sit dividing the spoils of whole countries among themselves for centuries, while throwing the leavings to the vanquished as to their dogs; or how in industrial ages bands of speculators rising on the backs of the patient multitude and by becoming multimillionaires" (the multibillionaire has been invented within a few months) "raising or depressing the markets of the world at their pleasure with the stroke of a pen; when one thinks of this, and of how those who feel the pinch of it in their narrow and straitened household lives (regarding it as they might a famine or

any other visitation of God) think it all quite natural—with these effronteries of Power staring us in the face, one feels that to profess to take seriously all the organized machinery of courts of Law and Justice by which are nicely determined the exact amount of right or wrong, of praise or penalty, involved in the stealing of pence or sixpences, is an elaborate hypocrisy. . . . Emerson said that you might as well sit in a church and listen with pious hypocrisy to doctrines which you no longer believed, for if you went outside into the street things were just as bad." Crozier goes on to state: (History of Intellectual Development, vol. iii, p. 232) that right will come to its fruition "without doubt in some millennial time; but it will come neither with moral preaching nor moral discussions. It will come when the Material and Social Conditions, which have permitted or encouraged a section of the Community to load the dice, while the rest look on and give them a free hand by regarding it as right and natural—it will come when these material and social conditions are altered, and not till then. By which I mean that Moral Philosophy and Ethics are a department of Politics, have their roots in Politics and cannot on pain of falsehood and error be divorced from Politics; as Politics itself in turn has its roots in civilization."

I will go further than this and say:

There is no hope of the politics of this world until they have been moralized and no hope of morals until they have been spiritualized. The untamed ferocity of the human heart is the bottom fact we have to deal with. The wild beast in mankind will never be tamed or

even caged until the life philosophy of a considerable portion of the race has abandoned individualism; until their habits and institutions have eliminated the principle of free competition—strife—if not based on hatred, the mother of hatred; and until to a large degree good will has become a motive among men.

The contribution of the Christian religion is that humanity must be broken up into individualities which must be perfected, so to speak, before the world can assume anything like a proper social form. These units must be born again—i. e., turned inside out—i. e., must become God-centered instead of self-centered beings, as the very elemental condition of that "earnest expectation of creation which shall reveal sons of God." A human society composed of individuals reborn and perfected out of the ancient despotic state smashed into its individual and component parts; and a state growing out of the common reason and common conscience and common life; and this state rationally conceived and self-wrought and self-imposed; in other words, an ethical democracy wherein the very forms of association embody an immanent reason and ethic, is the state made possible by the Christian revelation.

So far the process is but half complete. The individual has been emancipated but not reborn. This, of course, is not to say but that there are a few Christians in the world. The tyranny of Rome imposed from the outside is being disintegrated by the individualism of Protestantism, but in theology as in Politics we have not yet exceeded our point of view, which is individual instinct, or our motive, which is self-love. There is nothing alive

to-day in Christendom which gives promise that humanity is adequate to embody the Christian faith in *bona fides* and organize human society on the basis of reciprocity instead of that to-day universal reign of *laissez faire* self-love.

In politics and economics the problem becomes one as to whether the element of good will shall find less or more scope; whether the area of the common good shall be enlarged or restricted; whether, in fact, the highest development of the human race lies toward the motive of good will and the ideal of a united and friendly humanity, or in the motive of the selfish instinct and the ideal of atoms at war. Here lies the problem of politics and the fate of democracy, in which, i. e., in the true democracy, not the false, is involved the future of human freedom.

Thinkers of the school of Plato and Hegel hold up the realization of the moral law as the end of the state. Whatever Plato and Hegel may have taught, no actual state has so far set out to realize the whole moral law. Legislation laps largely over the moral law, but there are moral functions with which the state may quite properly have nothing to do. But, then, it will not do to reason from this to the separation of ethics and politics as so many have done. The state for one thing must realize within its own institutions the moral law; i. e., its laws and Constitution must be the projection of a rational and ethical idea. This is very different from the Platonic-Hegelian conception that the whole moral code must be enforced. It means that *whatever is* realized and institutionalized must be realized ethically.

But the testimony is overwhelming in the life and literature of modern times that the political theories of civilization actually have been separated from ethics; that Politics at the beginning of the twentieth century is in a state as pagan, as selfish and materialistic, as individualistic—perhaps almost as completely as if Aristotle and Jesus had never lived.

Between the days of Greece in her glory and Italy of the Renaissance there is little to flatter the egotism of mankind. The Crusades were the first great challenge to individualism during the medieval age. They crystallized to a degree the ideas of a new era; curtailed and mitigated the fratricidal cruelties of private war; in their rough way reinspired Christendom with the spirit of solidarity and altruism; strove after something higher than fratricidal bloodshed and political piracy in reaching out with an unselfish motive not to conquer new lands but to recover the "patrimony of the Crucified." "They were the first great effort of medieval life to go beyond the pursuit of selfish and isolated ambitions; they were the trial feat of the new world, essaying to use to the Glory of God and the benefit of man the arms of its new Knighthood." (Stubbs, Lectures on Medieval and Modern History, p. 157.) Alas, to fail from jealousies, dissensions, strifes—individualism—at last!

One is not surprised at the political ideals of the Renaissance, when he knows something of the ferocity of the people of the period. But one of the tragic things over which a man of ethical insight loses his reputation

for patience, if not his faith in mankind, is the spectacle of Machiavellianism triumphant in the twentieth century. Says Lord Acton of Machiavelli (Introduction to Il Principe, Essays on Liberty, p. 231): "He is the earliest conscious and articulate exponent of certain living forces in the present world. Religion, progressive enlightenment, the perpetual vigilance of public opinion have not reduced his empire. . . . He obtains a new lease of life from causes that are still prevailing and from doctrines that are still apparent in politics, philosophy, and science. . . . We find him near our common level . . . a constant and contemporary influence . . . rationally intelligible when illustrated by lights falling, not only from the century he wrote in but from our own, which has seen the course of its history twenty-five times diverted by actual or attempted crime."

This age, with its life and thought—especially its economic and political theories—is thrice accursed in that like the criminal of old it is condemned to carry a corpse chained to its back—the corpse of Machiavelli.

Machiavelli was first among the modern advocates (not first in time but first in his malign power)—first to state clearly the *political theory which justifies a man's selfishness to himself*. This is what Christendom, and science, and philosophy have not yet refuted but adopted—what the "Christian" world stands for; whose doctrine modern life apologizes for—this historian of "not the desperate resources of politicians at bay, but the avowed practice of decorous and religious magistrates."—(Lord Acton.)

Who has not read *The Prince?* Who has tried to

take any responsible part in the world's life, or has read any considerable record of it in the histories of men dead and gone, or in the last morning paper, who has not run up against the openly avowed principles of *The Prince?* To be sure we have not many of us been stilettoed or poisoned, unless a few by the distinguished countrymen of our philosopher whom we have, in our loving kindness, made our honored guests at Ellis Island, and given the Black Hand the glad hand! Felicitations to our superlative complacency!

One finds room to mention but one example, and that briefly. Let us say of Cæsar Borgia, "vulgarly spoken of as Duke Valentino," who laid broad the foundations "whereon to rest his future power."

Let us see just what this man Machiavelli means—this man who, more nearly than Jesus, rules the world to-day. Speaking of the Duke, the historian philosophizes: "And since this part of his conduct *merits both attention and imitation* I shall not pass over it in silence." The subjugation of Romagna to the Holy See was accomplished on paving stones of assassination. The Duke set over it, in order to establish 'good government,' Messer Romeiro d'Orco, who, with 'much credit to himself,' restored it to tranquillity and order. . . . Knowing that past severities had generated ill-feeling against himself . . . and availing himself of the pretext which this afforded, he one morning caused Romeiro (who had but served him faithfully) to be beheaded and exposed in the market place of Cesera with a black and bloody ax by his side. The barbarity of which spectacle at once astounded and satisfied the populace."

This is one of the incidents to merit "both attention and imitation." After relating much more and perhaps worse of this man, the philosopher and founder of modern political ethics says without a shiver: "Taking all these actions of the Duke together, I can find no fault with him."

Taine, in his Lectures on the Philosophy of Art (p. 97 et seq.), brings out very clearly the fact that political ethics—indeed, morality in general—is not at all dependent upon culture and art. He cites the case of Cæsar Borgia and says: "You have but just seen the repeated proofs of this high culture; while manners have become elegant and tastes delicate, the hearts and characters of men have remained ferocious. These people, who are learned, critical, fine talkers, polished, and men of society, are, at the same time, freebooters, assassins, and murderers. Their actions are those of intelligent wolves. Suppose, now, that a wolf should form judgments of his species; he would probably found his code on murder. This is what happened in Italy; the philosophers erected the customs of which they were witnesses into a theory, and ended by believing or saying that if you wish to subsist or exist in this world you must act like a scoundrel. The most profound of these theorists was Machiavelli, a great man, and indeed an honest man, a patriot, a superior genius, who wrote a work called *The Prince* to justify, or at least to sanction, treachery and assassination."

"Everybody knows how laudable it is for a Prince to keep his word," says Machiavelli. Let us not be deceived. We are not reading the Institutes of Calvin, or a modern

Sunday School Quarterly. Machiavelli, preacher of righteousness, appears now and then in the praise of virtue: It is better to tell the truth than to lie—whenever it pays as well. Better let a man live than to poison him—if it equally suits your purposes. Assassination should not be considered a pastime. "Everybody knows how laudable it is for a prince to keep his word . . . but those princes have accomplished great things who have made little account of their faith and have known how, through craftiness, to turn men's brains and have at last destroyed those who built upon their loyalty. . . . A wise seignior cannot or ought not to keep his word when that is injurious to him. . . . It is necessary . . . to be a competent cheat and dissimulator. . . . And men are so simple . . . that he who deceives always finds some one who lets himself be deceived."

Lord Acton (Essays on Liberty, Introduction to Il Principe, p. 214), himself a Catholic, declares that Machiavelli was popular at Rome, and that the Medicean popes "encouraged him to write, and were not offended at the things he wrote for them. Leo's own dealings with the tyrants of Perugia were cited by the jurists as a suggestive model for men who have an enemy to get rid of. Clement confessed to Contarini that honesty would be preferable, but that honest men get the worst of it." How long after this was it that Walpole wrote: "No great country was ever saved by good men, because good men will not go to the lengths that may be necessary." Romulus is justified in slaying Remus on the proposition that "a good result excuses any violence" (Discourses on Livy).

One almost fears, in studying the Machiavellian remains in human society to-day, that there is truth in the words of Guicciardini, his contemporary: "That past things shed light on future things, for the world was always of the same sort, and all that which is and will be has been in former times; and the same things return under different names."

But Machiavellianism is the same thing and can be called by the same name. There is an unholy vitality in Machiavelli's doctrines. Everywhere, from Machiavelli until this minute, we find the vicious Jesuit maxim: *"Cui licet finis, illi et media permissa sunt."*

In politics, in business, in society, we are referred to the results rather than the motives—and the results of this doctrine have led to the interpretation of results in materialistic terms. "The end justifies the means." Who has not met it, if, out of his teens, he has ever tried to do business. Good faith in business is almost a negligible quantity on the North American Continent—perhaps in a much wider field. Do our politicians keep faith? Who will say so who has dealt closely with them?

"It is easier to expose errors in practical politics *than to remove the ethical basis of judgments which the modern world employs in common with Machiavelli"* (Lord Acton, Introduction to Il Principe, Essays on Liberty, p. 219).

It is not within our province here to discuss the naïve brutality of Machiavelli's teachings as relating to matters of international ethics. But it is pertinent to ask if the foundations of Machiavellianism are the foundations of the modern "ethical" state.

Is this world, as Machiavelli saw it, without principle or conscience? Is man, as Machiavelli saw and understood him, without conscience or principle? Professor Villari, Machiavelli's biographer, says we must leap from the "Politics" of Aristotle to Machiavelli "to gain another step in advance" (vol. ii, p. 94).

"The problem proposed by Aristotle in his Politics was mainly an inquiry into the best form of Government. . . . " "But Machiavelli had another object in view, and thus the governments imagined by philosophers was not of the slightest importance to him. Aristotle chiefly sought to establish that which men and governments should be; Machiavelli declared such inquiry to be useless, and rather tried to determine that which they are, and that which they might actually be," whose foundation is the stiletto and whose bulwark is poison.

Machiavellianism is not the justification of an occasional murder. It is the propaganda of a philosophy of crime. It is not *non moral,* as so many have called it. It is not even immoral only. It is criminal. And the modern world upholds it and the philosophy of life underneath it, the justification of a man's selfishness to himself; the theory that might is right, that success justifies itself—the *Real Politik* of Schiller, *Die Welt-Geschichte ist das Welt-Gericht.*

CHAPTER V

THE RISE OF THE DEMOCRACY OF INDIVIDUALISM

It is more than a coincidence for the curious that the year 1776 saw the publication, with Gibbon's Rome and Tom Paine's Common Sense, of Adam Smith's Wealth of Nations, Jeremy Bentham's Fragment of Government, and Thomas Jefferson's Declaration of Independence. It is as if three stars of the first magnitude had risen over the horizon, each promising to be a new world by itself, in Economics, Jurisprudence, Politics; and these three men stand for these three realms—first and foremost spokesmen of the New Thought and philosophy of individualism out of which grew the age of revolution and revolt.

The world movement of which these incidents were indications was the resilient reaction of the human mind from age-long oppression toward personal liberty. We can hardly wonder that the swing of the pendulum carried to the other extreme. It cannot be said that in the past human government was all that could have been expected of it. It not only had been tyrannical and oppressive, but for thousands of years tyranny and oppression had been the principal subject of those who essayed to write history. Perhaps the future reader of history will say that the most wonderful thing revealed in it is the immeasurable patience of mankind—that so many kings have died in their beds.

"Before the revolution," says Louis Blanc, "the dominant fact was the oppression of the individual. Until

then the movements of governments had been known only by their tyrannies and rapines. Men aspired only to break the molds of despotism in the form in which they were" (French Revolution, vol. 1, p. 259).

The dominant note of aspiration before and during the revolution therefore was relief. Liberty was both catchword and watchword, and in those days *laissez faire* was big with meaning.

No wonder the people listened to Jean-Jacques when he wrote: "To find a form of association which defends and protects the person and property of each associate with all the common force"; and followed him as they would a new Messiah.

The eighteenth century seems to have been one of those few disintegrating periods of the human mind which have been only too few in the history of our race. So wide an indignation, followed by so universal a revolt, must have had some puissant cause. It is not so easy as may be imagined to trace the sources and causes of Anglo-Saxon democracy. They are found in the main, however, in the ideas which dominated the eighteenth century—the century of revolt and revolution. Although these ideas may be found scattered all along the history of human thought, it was not until the eighteenth century that they became the powerful causes of a world movement of the democracy of the modern world.

In one word, modern democracy had its rise in individualism. "It is impossible to understand the errors of a great writer," says the late Professor Edward Caird, "unless we do justice to the truth which underlies them."

The same thing may be said of world movements. There was a profound reality underneath the world movement of eighteenth century individualism. While it is incontestable that Jacobinism is the logical development of individualism it is also true that modern history begins with the rise of individualism.

The contribution to progress of individualism as a theory of life must not be belittled. It was one of the great phases of transition, and once lay toward progress. But it lies in that direction no longer. Individualism performed its mission. But individualism is a revolutionary creed. It was the vehicle of transition. Revolution is not a rational and permanent status.

The century in which and of which the American nation was born was one which Carlyle declared has no history and can have little or none, "a century so opulent in accumulated falsities—opulent in that way as never century was! Which had no longer the consciousness of being false, so false had it grown—a hypocrisy worthy of being hidden and forgotten. To me the eighteenth century has nothing grand in it, except that grand universal suicide, named French Revolution, by which it terminated its otherwise most worthless existence with at least one worthy act; setting fire to its old home and self, and going up in flame and volcanic explosion. . . . There was need once more of a Divine Revelation to the torpid, frivolous children of men if they were not to sink altogether into the ape conditions" (Frederick the Great). "How this man," continues Carlyle, speaking of Frederick II, "officially a king withal, comported him-

self in the eighteenth century and managed *not* to be a Liar and Charlatan as his century was, deserves to be seen a little by men and kings." One of the regrets that Carlyle is no longer with us, is that it is now forever impossible to call his attention to the American continent —to our George Washington and a few other men— a LaFayette—a Steuben—who were not liars (how he would have relished the story of an eighteenth century boy, a hatchet, and a cherry tree), and were not charlatans either. Perhaps the fact would have interested him, too, that there was an American Revolution with the adoption of certain eighteenth century principles in '76 and certain nineteenth century principles in '87 which it may take the whole twentieth century to catch up to. If it was not the spirit of this unmentionable eighteenth century, which was the dynamic cause of two revolutions which have made over the world, and which have set human footsteps in a pathway never before trodden by mankind, it was the spirit of the eighteenth century which became the melting pot, in which world-thought was reduced to fire mist again, and out of which chaos, cosmos, has (let us dare to hope) begun to cast up its rugged headlands.

Nevertheless, when all has been said, Carlyle's characterization is in substance correct and it is one of those calamitous coincidences whose evil effects a thousand years may not overcome, that the philosophism of the eighteenth century has had so much to do with the beginnings of our nation, with its institutions—that our national life was, like Noah's Ark, launched on this chaotic flood.

It is a fairly wide field—which we could not traverse in a lifetime—this pitiful, and uninteresting, and reeking life and thought of the eighteenth century. The thinkers who have most profoundly affected it are those, unfortunately, to whom in a great measure we still are bending the knee of obeisance.

The century was materialistic. This is perhaps the most that can be said of it in four words—and perhaps the worst.

The eighteenth century is an object lesson of a materialistic philosophy.

Perhaps this is the worst that can be said for a philosophy. Carlyle speaks of a similar object lesson in Diderot: "So that Diderot's Atheism comes if not to much, yet to something: we learn this from it, and from what it stands connected with, and may represent for us: that the Mechanical System of Thought is, in its essence, Atheistic; that whosoever will admit no organ of truth but logic, and nothing to exist but what can be argued of, must ever content himself with this sad result, as the only solid one he can arrive at; and so with the best grace he can, 'of ether make a gas; of God a force; of the second world a coffin; of man an aimless nondescript 'little better than a kind of vermin'" (Carlyle, Essay on Diderot).

The blight of eighteenth century life and thought still hangs over the earth like a pall. It is the same curse which darkens the days we live in, immensely modified but in no way mitigated by our great prosperity and our physical science. It *has* been immensely modified and mitigated, but it is because we are changing our

eighteenth century point of view. We are abandoning atheism, materialism, Hedonism, individualism. We have discovered the spirit again. Patriotism and the ideal may live once more, to the contrary Dr. Cabanis and his doctrine that poetry and religion are "the product of the smaller intestines."

A great deal—and perhaps a great deal too much—has been said as to the French Revolution being the beginning of modern history. It is also a shabby truism that the nineteenth century is unintelligible without reference to the same event.

The real truth is that which Carlyle missed, that the beginning of the American nation is the beginning of modern history, because the whole world has been modified by the development of democracy in the United States. It is not cosmopolitan judgment to reckon the French Revolution as the beginning of millennial days. Parenthetically it has not fulfilled its promise of liberty, equality, and fraternity.

We must consider the American and French Revolutions as both the outgrowth of the spirit of the eighteenth century, with a strong probability that the second would not have taken place had not the first been a success. If Napoleon was right, or even nearly so, when he declared that if Rousseau had not lived there would have been no French Revolution, may we not conclude with some assurance that the conflagration broke out in France because the "heather was afire" here?

As a matter of fact the influence of the French Revolution upon the world, and even upon France, has been greatly overestimated. It is one of the most lurid

dramas ever presented on the stage of history. And there was some element of play acting in it, too, with some of its second rate gilded and garish humbug and unreal emotion. Of course only *some*.

Whatever germinal ideas there were in that soil of French thought came mostly from Great Britain. And germinal initiative came from America. This particular cataclysm at least is the offspring of British thought and American example. Nor has America been without her germinal thinking, for the theories and formulas and phrases which saw service in two revolutions and which perhaps defined Jacobinism on two hemispheres were all debated and threshed out, stated and accepted in national and local declarations in America before they became current in France. "Ten years after the American Alliance (with France) the Rights of Man which had been proclaimed in Philadelphia were repeated at Versailles" (Lord Acton, History of Freedom).

Read the names of those who were makers of Revolution in France. We find the most of them in London with Pope and Addison and Bolingbroke and Swift, with Newton and Hume and Hobbes and Locke. We find them in the coffee houses, salons. We see them studying English laws and institutions with English literature —Voltaire and Montesquieu, Brissot and Buffon, Maupertius and Gournay, Jussieu, Morellet and LaFayette, Helvetius, Cloots and Mirabeau, the Rolands and Rousseau.[1] Through these minds the Revolution siphoned its force from the germinal minds and institutions of Britain into France.

[1] Morley's Voltaire.

Both England and America had more influence on France than France has exercised on either country. As Professor Ritchie has said, "When LaFayette sent the key of the Bastille by Thomas Paine to George Washington, he was in a picturesque symbol confessing the debt of France to America" (Natural Rights, p. 3).

"What gave Rousseau a power far exceeding that which any political writer had ever attained was the progress of events in America" (Lord Acton).

That was a strange and fateful alliance between the successors of the *Grande Monarche* and the American *sans-culottes,* for French nobles and common soldiers alike went home from the American Revolution to proclaim the blessings of freedom and the dignity of revolt. In any event even without the alliance the whole French nation would have been ready to sympathize with the American insurgents. Were they not enemies of England? Were they not allies of France? Were they not uttering thoughts which Frenchmen hardly dared to dream? The spirit of the eighteenth century was becoming clothed in flesh, and blood, and gunpowder—especially blood and gunpowder—and as some one has said, the whole people of France were watching with bated breath the struggle for liberty as if from behind prison doors, and, as it were, through iron bars.

"American independence was the beginning of a new era," says Lord Acton. "Not merely as a revival of Revolution, but because no other Revolution ever proceeded from so slight a cause or was ever conducted with so much moderation. The European monarchies supported it. The greatest statesmen in England averred

that it was just. It established a pure democracy. . . . It resembled no other known democracy, for it respected freedom, authority and law. . . . Ancient Europe opened its mind to two new ideas—that Revolution with very little provocation may be just; and that democracy in very large dimensions may be safe."

The philosophy, or rather philosophism of the eighteenth century did not profoundly affect public opinion in France until the century was half gone. A few words were on men's lips—reason and tolerance, liberty, equality—and a nation made them catchwords—formed a creed. The philosophers had abandoned the Cartesianism which had reigned in French thought and they had learned the precepts of Bacon, the physics of Newton, and the sensationalism of Locke. These they brought across the channel. The translation of English philosophy into French life lost the conservative and judicious British temper. It became aggressive with being radical. The Briton could think radically and act conservatively. Not so the Latin. The restated materialistic individualism of Hobbes and Locke became revolutionary. But it rediscovered the individual and his dignity was asserted as it never had been even in the morning of Greece. To Voltaire, Diderot, and the Encyclopædists, the masses were unconsidered *canaille,* but Rousseau conceived his philosophy as Michelet afterward recorded the revolutionary record of his work from the standpoint "of the principal actor, the anonymous hero, the people."

The doctrine that the individual is both starting point and end of political philosophy, implied in the writings

of Grotius, had been elaborated by Hobbes and Locke, and taken by Voltaire, Diderot, and Rousseau. It became the foundation of the prevailing philosophy of the siècle.

Locke had persuaded eighteenth-century France that all knowledge proceeds from experience, that experience is the outcome of combinations or permutations of our physical sensations. Despising metaphysics, the movement of the new philosophy seemed to tend toward those things within the field of the five senses and consequently an impetus was given to the sciences, in all of which great progress was made, but with reaction toward an atheistic materialism as hopeless and desolate as that in which any nation was ever lost. But under the new enlightenment there were strange paradoxes and inconsistencies. The somber messengers of atheism rolled stones away from sepulchers where the Church had laid the crucified virtues, and Christian principles came forth from the dead; liberty, equality, justice, fraternity.

It is impossible to connect logically with a blank atheistic materialism the divine sentiment of fraternalism or to conceive of a logical place in a Godless universe for a brotherhood of orphans. It is impossible to harmonize a conception of man as a sensuous consciousness without a soul, with a faith in liberty, justice and toleration.

There is no logical sequence between a belief which not merely negatives, but which holds that science proves there is neither God, soul, freedom, or hope of hereafter, and a belief in the essential and inherent dignity of the least and humblest of all the human race. Neither

is there logical relationship between their altruism and their individualism.

We must look further for explanation of the fact that they so often appear together, and wonder how religious a race eighteenth-century France would have been, had only the Church been true.

The French *Economistes* (Physiocrats), who were the precursors of Adam Smith and orthodox political economy, had also derived their inspiration from Dutch and English sources. Quesnay, following Grotius and Locke, calls his system physiocratic since he conceives it a development of the nation of a law of nature—or that "Constitution of Government which is best for man because most in accordance with Nature." Natural order is antecedent to natural right. They have been accused of advocating a paternal despotism. They did advocate state activity in poor relief and education. But they paved the way for *laissez faire* and revolution. Their general political doctrine was that of the social contract of the English school, that government is an evil (but necessary up to the point of gaining security of person and property). In economics labor should be unfettered and trade free and property sacred. This is the bourgeois creed.

The principal contribution of Montesquieu that social as well as physical phenomena are to be regulated by *jus naturæ* easily falls in with the deism of the period and forms the basis of the philosophy (where doubtless Montesquieu and Voltaire learned it) of Bolingbroke, Swift, Pope, of "whatever is, is right." It is a swift transition from natural law to natural rights and upon

this the political theory of the eighteenth century is founded and issues at once in individualism, free trade, and *laissez faire.*

Montesquieu, who had studied closely the British Constitution and whose theory of government had been profoundly influenced by the writings of Locke, was an advocate of Constitutional reform in France along English lines, as opposed to the revolutionary theories of Rousseau which were also drawn from the study of Locke. But a revolution like that of 1688 in England could hardly be a peaceable and personally conducted affair in France, a country where the crown was supreme and where there had been no assembly of the States General from 1614 to 1789—a hundred and seventy-five years. The doctrines of the sovereignty of the people and the social contract Rousseau took from Hobbes and Locke and adapted to the continental environment. The doctrine of the law of nature was acceptable to the French masses mostly because it offered something radically different from the existing regime. What they had was not natural. What was natural must be good. The doctrine went through many forms and lent itself to almost any number of individual interpretations while insisting on the right of individual interpretation. The popular feeling became inflamed. The doctrine became aggressive and revolutionary. One stream of thought flowing from it, with its catchwords of "reason," and "nature," etc., became crystallized in the atheistic systems of Holbach, Diderot, and the Encyclopædists and the work of Helvetius, which Louis Blanc characterizes as *"The very code of individualism, the theory of my-*

self." "Thus in the book of Helvetius the absolute was banished from the world. Virtue, truth, devotion, heroism, intellect, genius, everything was relative, *and each one judging of everything but by himself alone,* society fell into dissolution."

Rousseau taught that history was a process arranged between conspiracies of priests and lawyers and kings, to defraud the people of their rights; therefore laws and religions are humbug and must be swept away. He claimed that the rich and crafty were able to turn to their own advantage the very desires and efforts of the poor for their own protection. "They formed a project," he says, "the most astute that ever entered the human spirit, by which to convert their adversaries into their defenders, to inspire them with wholly new maxims, and to introduce institutions which would be as favorable to them as natural law and the law of the strong were the contrary. This succeeded in their institutions of law and government, when civilization gave new fetters to the feeble, and new forces to the rich, which destroyed beyond recovery natural liberty, fixed forever the law of property and inequality, converted a clever usurpation into an irrevocable right, and for the profit of a few ambitious men, subjected henceforth all the human race to servitude and misery."

If the common people were everywhere born free and were everywhere in chains, Rousseau's followers claimed that it was time for them to make another contract and take sovereignty back into their own hands. In a way Rousseau's method was quite logical on a deistic basis, but quite unimaginable from a theistic point of view.

It was something like this: Man cannot improve on God's method. Natural law is better than man's law. The method of nature is better than the artificial method of man. Therefore let us go back to nature. The idea of an immanent God working through the reason and will of man never in the remotest sense occurred to him. This is where he missed his clue. He recurred to a state of nature much like the paradise of Calvin out of which man fell all at once, only to conceive of it as something out of which man had been falling for a long time. Pursuing this chimerical phantasm instead of returning to the alleged original paradise, he went back to nature "red in tooth and claw," and adopted the methods of a reptilian age, with all the silurian instincts of the childhood of the world—*laissez faire* individualism. The logic is irrefutable if the premises are granted. If the woes of mankind are due to the intervention of human intelligence and will—in other words human institutions —take these away. Since all government is slavery, the less government we have the better. *Laissez faire, laissez passer, laissez aller.* Thus arose the democracy of individualism. This is why the eighteenth century believed too little in any government, too little in law and order, and too much in personal liberty and the policy of drift and chance. Rousseau's belief that the work of civilization should be undone so far as possible found a champion in Robespierre; and the corollary of this belief that the work of civilization, i. e., of man's conscious effort politically to improve himself should, as far as possible, be avoided, found expression in the *laissez faire* democracy of Thomas Jefferson and his school.

And yet this man, Rousseau, who did more than any one modern for the establishment of democracy, declared it a government for gods but unfit for man. Half a maniac and the other half a degenerate (a whole prophet nevertheless of these two halves), holding to neither system, nor logic, nor consistency—a neurotic and sentimentalist—he played on one emotion until he touched the heart of Europe. The whole message may be summed up in the sovereignty of the mob. In this he created a despot more frightful than any which had ever cursed the ancient regime. It was a genie he let out of the bottle, mild enough at first sight, but a ravening despot at best—that of a reckless anarchical majority of a mob—why not bestow upon it an epithet Voltaire once gave to Pasquier (Letter to D'Alembert), "A tiger with the eyes of a calf"? Under this regime "In the name of the 'Social Contract' Robespierre and his clique put to death all whose interests were opposed to the Rousseau theory of the state" (Macpherson—Century of Political Development, vide p. 39-40)—these men "who began their democratic career by preaching the gospel of Liberty, Equality, and Fraternity. Equality became the equality of the brigand with his 'stand and deliver'; liberty became the liberty of the executioner to take off the heads of his victims; and fraternity became the fraternity of Cain when he spilled his brother's blood upon the ground" (idem). "Out of Rousseau's gospel of Liberty grew the Terror and thence grew Napoleon's gospel of Despotism" (idem).

The Protestant Reformation had been a movement of

the individualism which assailed the foundations of Church and State—Catholicism and feudalism. It was successful in that it rediscovered the value and dignity of the human individual *qua* individual. Indeed, this was the contribution of Protestantism. Its failure lay in offering a point of view which laid the foundations of the great movements of individualism, without offering a cohesive principle or a constructive idea sufficient for Church or State. And for Church and State the Reformation began the movement which founded its philosophy on a transitional idea.

The theories which produced the revolutions of the eighteenth and nineteenth centuries had created the Reformation before them. They brought forth fruit of disintegration and revolt in spirit, method, and result. The product of the ideas of the Reformation is seen in the revolutionary creed and program. "Calvin's Geneva," says the late Professor Ritchie, "in due time brought forth Rousseau, and English Puritanism or American soil produced the Declaration of Independence."

The fatal oversight of the theorists of Reformation and Revolution was that they found ultimate reality in the individual. They denied it of those spiritual and other relations which existed and which might exist between individuals. There was no reality in the state—in the church—in the family. Individualism declared for atomism and anarchy. There was no universal principle—no vital binding principle which could give reality to a human institution. Reality existed solely in the human monad. Thus our thinking became atomistic.

It was without form and void. It gave us both theory and practice of disintegration. Somewhere here, I take it, is the nub of the ethical, which is to say, the philosophical, side of this question of politics. And if this proposition is true the assumptions of individualism are false which refer everything to the individual court of appeal, or in other words to some billion and a half courts of appeal; and which finds ultimate reality in the individual man, or in other words, a billion and a half individual men.

The Reformation is said to have been an appeal to reason. If so, it is barely in the half sense of the reason of the individual man and not the reason of the social or the corporate mind. If it began the emancipation of the individual from slavery to the tyranny of Church and State, it disclosed no *rationale* of Church and State.

The result of this in the temporal affairs of men was anarchy. The revolutionary philosophy brought forth a revolutionary era, and the Church was so split into screaming and discordant sects, that a witty Frenchman could complain of America as the land where they had two hundred religions and only one gravy.

The eighteenth century men wrote the end of the Dark Ages, not the beginning of a New Age (Mazzini). Their copiers and imitators have perfected the work of transition—the phase we are now passing through—and if we crystallize the transitional and negative principle into permanent institutions, we will reduce it to an absurdity and a crime. Out of the disintegrating ideas of the individualists of the eighteenth century, in which the old regime was dissolved, do not appear the affirma-

tive principles which contain the promise and potency of the New Age. The philosophy of "The Enlightenment" was dangerously near the apotheosis of selfish instinct divorced from God and man. It believed in men. It had no faith in man. It was needed to break up the old foundations of accumulated tyranny. Individualism stormed the Bastile and erected the guillotine. Individualism entered the arena of accusation, sat in the tribunals, and drove the tumbrils of the revolution. Like Cadmus it slew the dragon but it planted his teeth. From the bloody ground where the red-eyed despot had so long guarded the waters of liberty sprang the mighty army of destruction, each ready to slay his companion in arms. A vast army, each dead by a comrade's hand, is the allegory of individualism handed us by the Greeks. The French Revolution is its realization by the eighteenth century—in this blind unreasoning strife—this desolating hatred, this awful rage of every man for himself.

Individualism furnished purely a destructive and negative force. When the destructive work has been done and the debris has been cleared away, individualism has had its day and is no longer an adequate theory of life. The architect and builders must follow the wrecking crew. The creed of the Revolution has done its work in the world. It is not the creed for to-day. It has ceased to be true.

The democracies of the past have been in a large degree forms of the democracy of individualism. Even an examination of the democracy of the Greeks shows a theory in some respects identical with that of the

Jeffersonian democracy over two thousand years later. The democracy of individualism upheld slavery and exploited it. Is not the joke on their political ancestor and their followers and their creed; upon the man who heralded with fanfare of trumphets that all men are created free and equal, and that life, liberty, and happiness are the inalienable rights of all? If the democracy of individualism perpetuated human slavery until within the memory of men living, and if the human race is some hundreds of thousands of years old, what chance is there for the democracy of altruism in our day?

It was the democracy of individualism which upheld slavery—the democracy of all rights and no duties—and neither a democracy nor a civilization nor a Christianity of individualism ever has been or ever can be ethical. As long as human slavery existed in our country, the catchwords of the Declaration of Independence and Jeffersonian Democracy—"Liberty," "Equality," and "Fraternity"—were all phrases of a farce which had shrieked until it was hoarse. Not only was the politics of our founders inadequate, but we have not been true even to those ideals, for our entire social philosophy to-day revolves around the idea underneath the Declaration of Independence—individualism—sufficient for any Protestantism, political or religious, so long as politics or religion is content to remain in the stage of mere Protestantism, or even Dissent.

The democracy of the eighteenth century was the result of the conflict between individual freedom and organized selfishness. The failure of the democracy of individualism has been in the assumption that

there is no individual selfishness and no organized freedom.

Modern democracy had its rise in individualism. It is the task of the twentieth century to see that it does not have its fall in individualism.

CHAPTER VI

SPIRIT OF JACOBINISM

It was the American Revolution, not the French Revolution, if it was a revolution at all, which was the beginning of modern history. On the other hand it is quite true that the Revolution of the French and its underlying ideas profoundly modified the results of the American struggle and determined the course of American political thought for a hundred years. American Jacobinism is largely a French importation. It is the French-American interpretation of the eighteenth century. If the French Revolution was the direct outcome of British thought and American example, the ideas of the Revolution and the Red Terror issued in America in anarchy and disintegration—in a word, in Jacobinism.

"The French Revolution," says Col. Higginson, "really drew a red-hot plowshare through the history of America as well as through that of France. It not merely divided parties, but molded them; gave them their demarcations, their watchwords, and their bitterness. The home issues were for a time subordinate, collateral: the real party lines were established on the other side of the Atlantic."

Robert Goodloe Harper, the South Carolina Federalist, in a debate in the House of Foreign Ministers, outlined the situation by attacking the Republicans (Democrats) as revolutionists, whom he divided into three classes: the philosophers, the Jacobins, and the *sans-*

culottes. The first, he said, discoursed upon all the miseries of mankind, the vices of rulers—"all of which they engage to remove provided their theories should once be adopted. The Jacobins are tyrants in power and demagogues when not. Jefferson," he said, "returned from France a missionary to convert Americans to the new faith of Philosophical Jacobinism."

Jefferson left Paris, soon after the fall of the Bastile, full of the theories of the Revolution and the ideas which generated it. In this he was at one with the mass of the American people, and perhaps it was due to this that he so soon rode into power. The Americans were grateful to France for their assistance. They hated England. They did not analyze the causes of the French alliance. They soon came to discover the anti-British motives cropping up in Napoleon which had prompted the action of Louis. They turned to those who inspired the Jacobin Terror. They took no trouble to distinguish between the King and nobles who had sent them aid and the mob who had cut off their heads, and from whom LaFayette and his associates were fleeing for their lives. As Oliver says:[1] "What had benefited the colonists, if we may borrow the felicitous phrase which Jefferson subsequently adopted to designate the most unfortunate of monarchs, had been the cold-blooded calculation of 'a human tiger.' What had comforted their hearts had been the high-flown chivalry of comrades in arms, to whom France now offered the generous choice of furtive exile, the dungeon, or the guillotine. The debt of American gratitude was due, if at all, to a King and his nobles,

[1] Alexander Hamilton.

but by an effort of the popular imagination the bill was made payable to the assassins of the true creditors."

How easily a nation may be led to any extreme through the phrases of the doctrinaire, and without the balance wheel of a strong government, is seen in the prodigious popularity of Citizen Genet, which became so near a frenzy that that "gentleman" dared insult the President of the United States, and that President George Washington. Jefferson, who had secretly encouraged his intolerable insolence, and who had done his utmost to lead the United States again to war against Great Britain, as France's ally, was compelled by Washington to repudiate Genet and promulgate the Washington declaration of neutrality, which, it is said, was as violently execrated by the democrats as a declaration of monarchy. This war, into which the bumptious and intolerable Genet came from the Revolutionary tribunal to drag the new nation, offered what advantage? Unlimited cost in blood and money. For what? To defend the murderers of Madame Roland, Condorcet, Lavoisier—who wanted two weeks of life to finish some chemical experiments—and did not get them. "Gratitude to France," under Jefferson and the individualists, wanted war with England to uphold the assassins of the friends of America who a decade or two since had fought here by their sides.

Such was the party spirit of Jacobin particularism—so "intelligent" and so "patriotic."

That which the Americans have been taught to look upon as our peculiar blessing may prove our special curse. Our nation was born, and, as it were, baptized

in the flood-tide of eighteenth century individualism, and we have made the awful mistake of basing a permanent philosophy upon a transitional idea. To this fact we owe the dreary wastes of our first three quarters of a century of history, our civil war, and the despotism of modern financialism—i. e., to a set of ideas under which might becomes right and the big eat the little.

We set out on our national career lashed to the wild ass of license. We gained our liberty and we lost our freedom. We have not found out to this day that our whole trouble is mostly due to what Taine has called "the Jacobin mind." It accepts certain "principles" as political axioms—the rights of man—the social contract—liberty, equality, the people—"such are the elementary notions. Precise or not, they fill the brain of the new secretary. Frequently they are there only as grandiose and vague words." The Jacobin mind "is not sound. Of the two faculties which ought to pull equally and together, one is smitten with atrophy, the other with hypertrophy. The counterpoise of facts is not there to balance the weight of formulas" (La Conquête Jacobin). He might have added that the balance wheel of principle is not there to justify the conflict of interests.

The message of to-day is that the occupation of the Jacobin is gone. He shrieked loud and long for his rights—and got them—and more, too. He has been reticent about his obligations. He discovered that law and government, two aspects of a "necessary evil," depend upon contract—a contract never made, in an age which never existed. Back in this state of nature—in a pre-

historic and mythic paradise whence man was driven by the serpent which was a strange compound of lawyer, priest, and king, the compact was made which gives validity to law and government, which are concerned merely with the protection of individual rights of person and property. The state has no other sphere. The state is an unpleasing and disagreeable fiction. Reality exists alone in the individual and, therefore, the state, having no reality, has no ethical function. Thus arose the modern democratic business theory of the state.

The "philosophers" of the Jacobin era were solemnly accredited with having discovered and brought forth the charter of liberties of the human race, and with having accouched the muses of millennial dawn. A hundred years and more are gone, and in this land of fertility and plenty, the "greatest" (in a material sense), the "richest," and the "most prosperous" the world has ever seen or ever will see, the masses of the people are enmeshed in the sinuous toils of financialism; millions of the housewives of the men who are doing the nation's work are unable to make ends meet, owing to the universal rise in prices, and are haggling in the market place over the price of liver or the cut of a shank bone, while one man has ten or twelve thousand million dollars (perhaps *he* does not know how much) and eleven others like him could own the whole nation, and everything and everybody in it. Somehow the Jacobin has failed to fulfill his promise, and democracy is somewhat tardy with the millennium. Swollen with the conceit of our hackneyed phrases, and blinded by the tissue of optimistic lies with which we have surrounded ourselves, we have

boasted of our inexhaustible resources while a few financiers were taking them away from us.

The views of many of the fathers are better known than those of one whose writings could be studied with profit to-day. In his remarkable address before the Pennsylvania convention at Philadelphia in 1787, James Wilson said of the fruits of anarchy and Jacobinism (Works, vol, iii, Lorenzo Press, Phila., 1804):

"It has been too well known—it has been too severely felt—that the present confederation is inadequate to the government and to the exigencies of the United States. The great struggle for liberty in this country, should it be unsuccessful, will probably be the last one which she will have for her existence and prosperity in any part of the globe. And it must be confessed that this struggle has, in some of the stages of its progress, been attended with symptoms that foreboded no fortunate issue. To the iron hand of tyranny which was lifted up against her she manifested, indeed, an intrepid superiority. . . . But she was environed by dangers of another kind, and springing from a very different source . . . licentiousness was secretly undermining the rock on which she stood." "Those whom foreign strength could not overpower have well nigh become the victims of internal anarchy."

"The commencement of peace was the commencement of every disgrace and distress that could befall a people in a peaceful state. Devoid of national power, we could not restrain the extravagance of our importations, nor could we derive a revenue from their excess. Devoid of national importance, we could not procure for our ex-

ports a tolerable sale at foreign markets. Devoid of national credit, we saw our public securities melt in the hands of the holders, like snow before the sun. Devoid of national dignity, we could not, in some instances, perform our treaties on our parts; and in other instances, we could neither obtain nor compel the performance of them on the part of others. Devoid of national energy, we could not carry into execution our own resolutions, decisions or laws."

The individualist of to-day as of yesterday has missed his guess on this question of centralization. It is not stronger self-government, it is not national self-government we need fear just now, but the riot and anarchy prevailing over those areas where there is neither state nor national control and over which it is coolly proposed by Mr. Bryan, an exponent of individualism and state rights, that forty-eight popular majorities of "earnest men with unselfish purpose and controlled only for the public good will be able to agree" on such legislation as shall "preserve for the future the inheritance we have received from a bountiful Providence."

The individualist is not only afraid of centralization, but, like his predecessors, he is afraid of the very principle of union and of national sovereignty. He hates unity *per se*. He hates nationality. He sees monarchy in coöperation and absolutism in an attempt to get together. Therefore, he is raising a hue and cry. The old noises which assailed the ears of Washington and Hamilton, and their patriotic confreres are prevailing in the market place to-day. The particularists and nullifiers are again abroad battering the Constitution of the

United States. These confusers of opinion still live in a revolutionary world. Like Rip van Winkle, they have slept through years of progress, but unlike him they have not wakened. They consider the Declaration of Independence a living issue—on Fourths of July—and deny in practice the principles they eloquently maintain. They have not advanced beyond the Declaration of Independence. They do not think politically in terms larger than a state and practically no larger than each man for himself. They fail to grasp the idea of nationality, and ignorantly or maliciously accuse of tyrannical and imperialistic tendencies those who lean toward nationality instead of state rights; who believe, in short, in the possibility of a whole people governing itself.

It is not quite clear whether the present confusion of the individualist of strong central control of national concerns with monarchical, imperialistic, and tyrannical tendencies is due to the incompetence of its advocates to understand the nature of true democracy, or whether it is a deliberate attempt to confuse the mind of the people for paltry partisan purposes.

It is, however, as certain that there are a few left who still think of all government as extraneous and super-imposed, and consequently all government as an evil, as that their position is antiquated and inadequate to the demand of an intelligent democracy.

This fear and hatred of government, this confusion of liberty with license, this leaning toward the unrestrained impulse of savage man, this jealousy of constructive reason and of orderly life, constitute the faith of the eighteenth, not the twentieth, century. It is the old revo-

lutionary spirit of rebellion against government *qua* government, when the idea was inconceivable to the masses of the people that government was the articulation of a united and free people attuned to the constructive ideas of synthesis, cohesion, organization, as opposed to the destructive idea of atomism, anarchy, and strife.

The sinister hatred of the Jeffersonians for Union and National Government was due partly at first to hatred of monarchy, partly to provincial habits of mind, and partly to a love of particularism and all it stood for as expressed in State Rights. But this soon passed to a party slogan and a partisan desire to discredit Washington and Hamilton. While Jefferson was pleading for a "little rebellion now and then" to clear the atmosphere, and Shays's Rebellion and the Whisky Insurrection were weather vanes of the prevailing spirit, Washington was complaining of the "combustibles in every state which a spark might set fire to." He spoke of the disorders of the rampant individualism of the States, and cried, "Good God, who, besides a Tory, could have foreseen, or a Briton predicted, them." During these days Washington wrote that "Even respectable characters" were talking without horror of monarchy, and Hamilton was writing for a "Strong Coercive Union."

Now, then, the Democrats (I mean, of course, their predecessors, the Jeffersonian Republicans) believed in nothing coercive, much less a Union, especially a strong one. Coercion, even self-coercion, was pernicious and hateful to the individualist who believed in the individual doing as he pleased. It was, therefore, tyrannical. And tyranny of course was monarchy. From this point they

attacked Washington and Hamilton, and rung all the changes in "associating the quality of strength in Government with the idea of a despot," which was synonymous with coercion. This *motif,* with all its variations, has been harped on until this day. Neither Jefferson nor his followers believed treason of Washington or Hamilton, nor is it credible to-day that his successors believe what they say of modern nationalism.

If the presence of a common peril in the War of the Revolution had been scarcely able to preserve the semblance of Union, and if Civil War so nearly prevailed at the time of the war with Britain, how little cohesive force would remain when that pressure was removed? As Hamilton predicted, so it happened. Little minds preternaturally swollen with the all-prevailing phrases of "Natural rights" unanchored to corresponding duties, hardened their hearts to the prophetic voices of Washington and Hamilton and Jay.

Each chesty individual unit enlisted in the common cause—about the only common cause—of the deification of selfishness and the apotheosis of mediocrity. This spirit of individualism was manifested in the states which established thirteen tariffs and came nearly organizing thirteen standing armies. Two states arose in rebellion and war seemed inevitable between Vermont, New Hampshire, and New York, between Pennsylvania and Connecticut. Petty interests, without national spirit and patriotism, led to strife, and strife led to hatred and the desire for a common defense until it soon became clear to every man of vision that the Confederation was fit for the purposes of neither war nor peace.

When the war was over, it was only a farsighted few who saw that the real crisis had begun. The Confederation had been nothing but a "league of friendship" for a common defense, superseding the Continental Congress under which the war had been prosecuted, and its inefficiency during the last two years and six months of the war, and the years following till the adoption of the Constitution, gave Washington some provocation to say with pardonable bitterness that *"Influence is not Government."* And no one knew better than he what he had put on record of the miserable makeshift of the Government of the Confederation, that the war would have ended sooner, and would have cost less in blood and money, had the Government possessed merely the power of taxation.

To those who look back from this vantage ground of experience, it seems nothing less than monstrous that the issues of war and peace should have had no other sanction than the sentiments of honor of men who proceeded at once to the selfish repudiation of a national debt by ingrates, whose behavior can never be erased from the page of our history, but which has been partly redeemed by Washington, without whose single and incomparable character the war could not have been won; and by Hamilton, without whose daring campaign for the national honor, for an adequate central and national Government, the American Union would never have been achieved.

When the Father of his Country first took the oath of office as President of the new nation, with a standing army of 80 men, without a shilling in the treasury, with

scarcely a rag of central government to cover the nation's nakedness, with the patriotic army, whose bloody feet had stained the snows of Valley Forge, clamoring for the paltry stipend a nation of ingrates was ready to repudiate; when the Jeffersonian individualists were marshaling all the hosts of confusion and lawlessness and revolt, this superb character, who had led his countrymen through Revolution and Confederation, with Hamilton at his side, fought another war and won it. He carried his country through a third crisis, preserved his government from disintegration and his nation from dissolution a third time.

There is something awe-inspiring in the ponderous inertia of this immobile figure, to whose unchanging and impregnable character a nation was anchored through three storms.

It is perhaps too early to judge the living, but of the immortal names which have passed into our history, save Lincoln, there are three who have been indispensable to the nation, without any one of whom this nation would have been something different, perhaps no nation at all—perhaps now the discordant factions of helpless chance and prey to the organized races of mankind.

Washington—Hamilton—Marshall—these three. No other among the dead or living will measure with them. Why? Because their lives were immortal protests against the individualism and anarchy of revolution; because they were architects and builders of a national self-government.

Washington and Hamilton, for nearly a quarter

century, working side by side, and seeing eye to eye—our American Jove and Mercury his winged messenger—wrought what even Jefferson, State Rights, repudiation, secession, nullification and all the brood of individualism have failed to undo.

BOOK II
THE PHILOSOPHY OF THE COMMON GOOD

CHAPTER I

POLITICS AND ETHICS

We shall never get to the bottom of this question of American Politics without a more careful examination of its ethical aspects than any of us have seemed to be willing hitherto to give to it. American Politics is founded on interests, not principles. In municipal, state, or national concerns the most superficial observer will not fail to see that the prevailing motive is not the public good, but individual self-interest. There is an indescribable pathos in the spectacle of a whole people which might be a great people, working from such despicable motives as each one for his own self-aggrandizement. This is not so much the fault of the American people themselves as of their philosophy of life. Because the American Government was in a way the first fruit of the revolutionary ideas of the eighteenth century, in ethics, politics, and political economy, to say nothing of religion, everything everywhere became simply the expression of the creed of revolution and revolt. The prevailing creed of individualism swept away the foundations of ethics in the destruction of an altruistic motive, although, of course, it is unnecessary to say it was not blotted out from human life. But it offered an ethics, so called, whose only motive is self-interest. The ultimate appeal of our morality was to selfishness. Even the utilitarians, who offered more or less of a humanitarian creed, placed it on selfish foundations, and no matter

what good may have come from it, that good has been incidental, for Locke and Hobbes, Adam Smith and Thomas Jefferson, Rousseau and Bentham, Godwin and James Mill and their kind have saddled a curse upon future generations in framing a philosophy which justifies a man's selfishness to himself—in translating Machiavellianism into modern life.

There is a growing conviction among an increasing number of men that our politics must be a part of our ethics. They protest "against the breaking up into fractions of human unity and demand its restitution." We can no longer tolerate theories which separate ethics from politics.

Twentieth century politics must involve a consideration of the spiritual element in man, and in this the materialisms of both individualism and socialism fall short. The fact is that humanity begins in association, is inconceivable without association, and association is founded in spirit. Juxtaposition is not all there is to it. That men are social, and not merely gregarious, makes a state possible. They are social within a large area, which we may call the common good, and this is a rational whole toward which each human atom bends his will, submits to, obeys, as it were, adopts, and finds voluntary satisfaction in; and this is the basis of that which distinguishes civilized and savage man.

"My dominion ends," said Napoleon, "where the dominion of conscience begins." There is an ominous suggestion in the awful ambiguity of this phrase. That a line *can* be drawn just here—where politics ends and where conscience begins—is sufficiently suggestive. That

it has been drawn in the separation of ethics from politics is one of the most overwhelming calamities which have overtaken humanity.

There can be no doubt but one of the greatest forces for good in the whole revolutionary period was that strange reformer whose ethical creed and moral purpose were at such cross purposes with each other through a long and useful life. The opening words of Jeremy Bentham's Principles of Legislation are: "The public good ought to be the object of the legislator; general utility ought to be the foundation of his reasoning." Again he says: "Nature has placed man under the empire of *pleasure* and *pain*. We owe to them all our ideas; we refer to them all our judgments, and all the determinations of our life . . . the principle of utility subjects everything to these two motives. . . . It expresses the property or tendency of a thing to prevent some evil or to procure some good. Evil is pain, or the cause of pain. Good is pleasure, or the cause of pleasure. . . . He who adopts the principle of utility esteems virtue to be good only on account of the pleasures which result from it. He regards vice as an evil only because of the pains which it produces. Moral good is good only by its tendency to produce physical good. Moral evil is evil only by its tendency to produce physical evil."

Bentham does compromise with an anti-materialism by stating further that when he says physical he means the pains and pleasures of the soul (which I believe he practically denies) as well as the pains and pleasures of the senses. He states further that all the virtues or their opposites, whatever we might call them,

are to be classified under the category of pleasure or pain, and that pleasure or pain is what everybody feels to be such, peasant or prince, without consulting Plato or Aristotle. In chapter five he says also, "It is true that Epicurus alone of all the ancients had the merit of having known the true source of morals."

Here in these bald, I might say stark-naked statements are the foundations of the ethics of political individualism. They are perfectly fair samples of the aphorisms of the day which outlined a pretty conservative individualism (because Bentham was among the Conservatives), as is seen by the keynote struck in his first sentence in the Principles of Legislation—"The public good ought to be the object of the Legislator." Most of the individualists of that day denied pointblank that the end of the legislator was anything more than the protection of life and property from violence, and that to advance the public good was to violate the sacred principle of individual freedom.

The reason the early individualists separated ethics from politics was because they destroyed ethics, by sweeping away the foundations of ethics, and, as in the case of Bentham himself, though mostly to a lesser degree, they would have destroyed politics in any sense except that of political opportunism had it not been for the ingrained and hereditary instincts and qualities over and above and better than their adopted creed in the British stock. Bentham was an example of the man who is better than his creed. John Stuart Mill, "the saint of rationalism," is a better example still.

But the fact remains that individualism was a dis-

integrating force, and left to itself was the negation of ethics and the destruction of the state with the exception of the policeman's office, which was only a compromise on the basis of its being a necessary evil. Mr. Leslie Stephen states this case pretty clearly (English Utilitarians, p. 131): "A main characteristic of the whole social and political order, about 1810, is what is now called 'individualism' . . . or the gospel according to Adam Smith, *laissez faire* and so forth. . . . Englishmen took liberty mainly in the sense of restricting law. Government in general was a nuisance though a necessity; and properly employed only in mediating between conflicting interests and restraining the violence of individuals forced into contact by outward circumstances. . . . The people would use their authority to tie the hands of the rulers and limit them strictly to their proper and narrow functions. The absence again of the idea of a state in any other sense implies another tendency. The 'idea' was not required. Englishmen were concerned rather with details than with first principles" (p. 133).

Mr. Stephen speaks further, with some refined scorn, of the French who had their political theories all worked out, but which fell flat on the English mind.

Both were wrong. The English despised political philosophy because this involved ethics and ethics annihilated the *laissez faire* regime, and the *laissez faire* regime was necessary for the rich that they might become richer. The French, apparently oblivious to the testimonies of history and the fundamental assumptions of scientific criticism and the inductive reasoning generally, seemed

to spin their theories like spiders' webs from their own mouths.

Dr. Pringle-Pattison sums up Benthamism in the following words: "The abstract simplicity of the perfect state corresponds to the abstract simplicity of the philosophical principles from which it was deduced. Unadulterated selfishness is the motive, universal benevolence is the end—these are the two fixed poles of Bentham's thought."

There is no possible way of harmonizing principles so diametrically opposing each other, except in the personal character of Bentham himself. Unfortunately there is a very small minority of the human race who can seek universal benevolence as the end of their lives with unadulterated selfishness as the motive of their endeavors. There can be no doubt that vast good has resulted to the human race through the efforts of the school which Bentham founded, notwithstanding the ethical atomism on which it was based. It was not necessary to reconcile benevolence to selfishness in their theoretical bearings when, in the personal character of Bentham and the two Mills and their following, it was quite certain that their chief end and aim were benevolent, but where it is not certain that their motive was selfishness. Perhaps after all too much credit has been given to Bentham and his school for the humanitarian awakening of the first part of the nineteenth century, and too little to men like Southey, Wordsworth, and Coleridge, and especially Wesley, who perhaps had more to do with the awakening of the individual in bringing it to a consciousness of itself than any one force

in the British nation in his century. After all, eighteenth century thought involved more than anything else the principle of analysis, and this was both cause and effect of individualism. The individualists, and even the utilitarians for the most part, did not, because they consistently could not support the great measures for the public good, and in this they followed their ethical motives of unadulterated selfishness rather than the end of universal benevolence. "Some of the utilitarians, it is true," says Dr. Pringle-Pattison (Quarterly Review, July, 1901), "were better than their creed and supported the factory legislation, but the school was opposed to it on principle. The utilitarians were in fact . . . the chief elaborators of the classical political economy and they accepted its doctrines, not as abstractions and laws of tendency, provisionally true in given circumstances, but as an absolute theory of society."

One is duly astonished, therefore, when he sees so able a scholar and so careful a historian as Professor Dicey claiming for individualism the results of the legislative reforms of England in the nineteenth century. Had he made this claim for utilitarianism he might at least have found sufficient footing to justify an attempt at an argument. As a matter of fact, individualism itself was sterile. It was negative, critical, destructive. It was not, and could not have been, and can never be, constructive, to say nothing of architectonic.

Mr. Dicey says, in Law and Opinion in England (Harvard Lectures): "During the long conflicts which have made up the constitutional history of England individualism has meant hatred of the arbitrary pre-

rogative of the crown; or in other words of the collective and autocratic authority of the state. . . . The strength of Benthamism lay then . . . in its being a response to the needs of a particular era."

The fact is, that Bentham was true to an ethical purpose and was not consistent with the unethical motive he solemnly announced. He was bitterly opposed to anything like pure individualism; so much so that of all his generation he was one of the most caustic critics of the Declaration of Independence and the Declaration of Rights. The first of these he called a "hodge-podge of confusion and absurdity." Of the second he writes, "What has been the object of the Declaration of pretended Rights? To add as much force as possible to those passions already too strong, to burst the cords that hold them in . . . to say to the selfish passions—there everywhere is your prey! To the angry passions—there everywhere is your enemy!"

The philosophical radicals of the nineteenth century were for the most part very able and very earnest men; men of the highest moral characters, and in their characters perhaps the flower of their age, notwithstanding their professions of "unadulterated selfishness." They were individualists so far as individualism served their purpose. As Professor Dicey says, their creeds served "a particular era." "It was, indeed, needed for a period," and was used "for a period" in its "hatred of the arbitrary prerogative of the crown," or "the collective and autocratic authority of the state." Utilitarianism found that it had no *raison d'être* as an exponent of mere individualism, and in order to secure the vitality which

could allow it to exist at all, and do an ethical work, it took on a social and altruistic form. About all of constructive ethical value utilitarianism has bequeathed to history has been that in which it has exceeded the motive of individualism and its outlook. It is a matter of comment that the learned Professor should have overlooked these facts; that the individualistic protest against autocratic and irresponsible monarchy having gained its point, which was a purely negative one, must take up a positive and constructive and social issue in direct departure from the principle of individualism, or go out of business. It added to the creed of individual happiness an article on national well-being; in other words, the public good. For has not Bentham surrendered the whole of the position of individualism in this very criticism of the Declaration of Rights: "The things that people stand most in need of are, one would think, their duties; for their rights, whatever they may be, are apt enough to take care of themselves . . . the great enemies of the public peace are the *selfish* and *dis-social* passions."

Professor Dicey was not unaware of this arraignment of the principles of individualism, for I have quoted it from his Harvard Lectures.

It is a most interesting study to follow out Professor Dicey's confusion, in his development of the four objects at which Benthamism was aimed; the transference of political power into hands friendly to the greatest good of the greatest number; the promotion of humanitarianism; the extension of individual liberty; the creation of an adequate legal machinery for the protection of the equal rights of all citizens.

The Reform act gave predominant authority to the middle classes of England. The Municipal Reform Act of 1836 gave to the inhabitants of boroughs the government and management of the cities in which they lived, doing nothing for country laborers. The new Poor Law, in placing poor relief under the supervision of the state, inaugurated a precedent in socialistic legislation which had not only not been exceeded but not even repeated in the history of American or English law.

The mitigation of the criminal law of England; the abolition of the pillory, of the whipping of women, of hanging in chains, the inauguration of prison reform and reduction of capital punishment, the adoption of laws regulating child labor, protecting lunatics and preventing sane men from imprisonment in mad houses; laws for the prevention of cruelty to animals, the emancipation of negroes; not one of these laws can be said to have been enacted from an individualistic but plainly all are from altruistic motives, and all are departures from the principles of the political theories of individualism which inveighs against all legislation and says in the language of Lord Brougham, "Why can't you let us alone?"

So with legislation for individual freedom. It was altruistic. It was not individualistic even here on its own ground. Most curiously and naïvely Professor Dicey states the case: "By the legislation of 1824 Benthamites and Economists—that is, enlightened individualists—had extended the right of combination in order to enlarge the area of individual freedom"; in which the whole argument for individualism is given away; and in

which is stated the fundamental principle of society, for real liberty is not found in the extension of the principles of irresponsible individual freedom, but through rational forms of association. And this is flat denial of individualism.

I am the last one to discount the tremendous value of the Benthamite passion to protect individual freedom, but I am one of the first to protest that its wonderful progress in the nineteenth century and the splendid partial success it achieved is due to its departure from the spirit and methods of individualism; for they were obliged, as all rational legislators are obliged, "to extend the right of combination"—or the principle of association—"in order to enlarge the area of individual freedom."

In admitting the value of the fourth principle of Benthamism, the creation of legal machinery for promoting the common good, Professor Dicey again surrenders the ground-work of individualism.

"What man out of Bedlam," says Professor Dicey, "ever dreamed that a country was happier for the constant recurrence of pestilence, famine, and war; but who, then, can deny that laws which promote the cultivation of the soil, insure the public health, keep the country at peace and avert invasions are, as far as they go, good laws?"

Professor Dicey says, *"The age of individualism was emphatically the era of humanitarianism."*

To say that "the age of individualism" and the "era of humanitarianism" were merely coincident would be an accurate statement. But to argue *post hoc ergo proc-*

ter hoc is unseemly of so able a scholar, lawyer, and historian. The factory legislation which followed the agitation started by Oastler's *"Slavery in Yorkshire"* in one of the most frightful arraignments of individualism ever written until the blue books took up the subject, was a half century protest against the hell individualism had made. The learned Professor speaks correctly when he says that "individualists of every school were only too keenly alive to the danger that the sinister interest of a class should work evil to the weak and helpless." But he is not accurate when he says that there was "nothing in the early factory movement which was opposed to Benthamism or to the doctrine of the most rigid political economy." Here Professor Dicey is the advocate framing an *apologia* for individualism. No one knows better than he that the orthodox political economy of the time was individualistic—and that so far as it was individualistic, its policy was *laissez faire* free competition between economic men—a free-for-all race against the field. This, of course, is not to say but most individualists even in those dreadful days exceeded individualism, and were better than their creed.

But it is to say most emphatically that the wrath of an angered people which arose in England and placed the gyves of altruistic enactment on the wrists of the child-murderers of Manchester was a wrath of altruism —of the fear of God and the love of man—which cursed the reckless and irresponsible greed of individualism and said that the time had come to "grind the ravening tooth" of *laissez faire.*

Many "individualists" at this time denounced the out-

rages against the "little white slaves." It was Macaulay, the individualist, who wrote: "Moloch is a more merciful friend than Mammon. Death in the arms of the Carthaginian idol was mercy to the slow waste of life in the factories."

Again the early individualists as they opened their hearts toward humanitarianism found there were certain persons after all whose interests needed safeguarding; i. e., who in the *strictest sense* were unable to protect themselves and needed the special aid or protection of the state, and they found it necessary to any rational theory of civilization to restrict freedom of contract. Such legislation as protects women and children and even tenant farmers; as defends society against poison foods and medicines; as will not allow a man under necessity or pressure to bargain away his rights, could not, although the custom of Benthamite reform agitation, be called individualistic legislation. Mr. Dicey says, "The most thoroughgoing Benthamites strenuously insist upon the principle that for certain purposes all persons need state protection; e. g., for the prevention of assault done to them by the breaker of a contract or by a wrongdoer." This is a summary of the aims of individualistic jurisprudence. Real consistent individualists like Godwin insisted that "all law is an institution of the most pernicious tendency." They had retreated so far into the bat-inhabited caverns of anarchy that a modified individualist like Leslie Stephen speaks of Godwin's conception of mankind as a "vast number of incarnate syllogisms."

Professor Dicey, in apologizing for the existence of

any law at all, says, "But such protection, or state aid, as understood by consistent individualists, is in reality nothing but the defense of individual liberty and is therefore not an exception to but an application of the individualistic creed."

I wonder if Professor Dicey, who has admitted that the principle of association enlarges the area of individual freedom, will deny in the interests of individual liberty the wisdom of the extension of the principle of association and the "utility" of such legislation as extends it. Moreover, another question would be pertinent here. Is individual liberty the sum total of human good? Are there no other, no higher aims for human endeavor? Must jurisprudence and politics stand or fall as they are measured by this norm? Is it individual liberty for each man to do as he pleases? Does human perfection lie toward the "greatest happiness" of Bentham or the "greatest nobleness" of Carlyle?

Toward pure individual liberty lies license. Toward constitutional liberty lies discipline.

Under the old regime the individual awakened. But he awakened only to individuality—not through individualism, but through the discovery that the individual is developed and perfected only in and through rational association.

If the strong ethical bias of the characters of such men as Bentham, Adam Smith, and Thomas Jefferson, and indeed most all the better sort of the leaders of the revolutionary movement who spent their lives in really trying to work out the betterment of mankind, started a real liberating and rejuvenating movement during the

revolutionary age, it also may be true that the utilitarian propaganda based on an egoistic philosophy will result eventually in more harm to the human race than it ever has done good. There has been no single year out of these one hundred and thirty-five years since Jefferson and Smith and Bentham burst upon the world which has been without its witness to the fact that there is something fundamental in human nature which prompts its best productions to do noble acts without value received and to perform heroic deeds without counting the cost. The profound and far-reaching harm which the philosophy of these men has done and is doing and will continue to do is in offering a political and economic philosophy founded on *an ethics that justifies a man's selfishness to himself.*

CHAPTER II

THE GREEK CONTRIBUTION TO POLITICS

The New Politics presents a theory of the state of wider scope than the mere protection of life and property, and for the rest, the big eating the little. It offers a theory comprehensive enough to cover the whole welfare of all the people. Its creed is that progress is planned and wrought, that it is no chance flower in the Micawberish garden of *laissez faire*.

The relations established between men in the institutions of the state while not of the high-water mark, define pretty well the average level of national morality and capacity for reason. They define the element in common between the individuals of the nation, viz., nationality. The relations outlined by a civic community are not only the embodiment of the moral capacity of the nation, but are the absolutely necessary means or channels of fulfillment of the moral life of the nation, without which manhood itself would be stripped of its distinctive function and attributes. The state is, as it were, the composite ethical portrait of the national rational character. Idiosyncrasies eliminated, there is a large common area. Here is the nub of the whole question of politics: This very idea of a common good and the fact of a common good involve by inexorable logical necessity duties as well as rights; and conversely any rational theory of rights and duties involves (what a theory of rights denies or omits) this common interest,

this common aim and life, this common good where lies the state.

"People are beginning to recognize," says Michel Chevalier (quoted by Paul Leroy-Beaulieu, Modern State, p, 17), that the function of the state "is to guide society toward good and preserve it from evil, to be the active and intelligent promoter of public improvement." The same principle is recognized by Professor Wagner of Berlin when he places alongside the mission of justice another great function of state, the mission of civilization *(Culturzweck des Staats)*. Says Shebbare (The Greek Theory of the State), "The two great rival theories of the functions of the state are—the theory which was for so many years dominant in England, and which may for convenience be called the individualist theory, and the theory which is stated most fully and powerfully by the Greek philosophers which we may call the socialist theory. The individualist theory regards the state as a purely utilitarian institution, a mere means to an end . . . for the protection of property and personal liberty, and as having therefore no concern with the private life and character of the citizen, except in so far as those may make him dangerous to the material welfare of his neighbor.

"The Greek theory, on the other hand, though it likewise regards the state as a means to certain ends, regards it as something more. . . . According to this theory no department of life is outside the scope of politics, and a healthy state is at once the end at which the science aims, and the engine by which its decrees are carried out."

The use of the term "socialist theory" is very misleading, because that vast body of social and ethical doctrine which is pretty well known among scholars as the Greek theory of the state cannot in any sense be identified with the orthodox socialism of the present day whose foundations are laid in the economic materialism of Karl Marx. The individualist theory of the state, however, on the American continent is the "policeman theory" of Jefferson and his school. This and the American socialist theory are both fundamentally different from another theory which cannot by any twisting be called by either name. It did not start as a political philosophy. It did not start as a theory of state. It was the creation of necessity. It came into being as a theory because it was a growth of the ethical and political wisdom of the best minds of the early republic to protect the republic from dissolution. It has been wrought out of over a century of experience of a nation justifying itself and its right to live.

"Whoever," says Guizot (History of Civilization), "observes with some degree of attention the genius of the English nation" (and he could have included the American nation, for it is an Anglo-Saxon characteristic) "will be struck with a double fact; on the one hand, its steady good sense and practical ability; on the other, its want of general ideas and of elevation of thought upon theoretical questions. Whether we open an English work on history, jurisprudence, or any other subject, we rarely find the great and fundamental reason of things."

It is no disparagement of the power of finding the

"great and fundamental reason of things" to say that on the whole the practical and empirical method of the Anglo-Saxon with his conservative instinct has had better results than the more philosophical method of, for example, France. For without a Reign of Terror conservative Britain has achieved more liberty under freer institutions than have the French, and that without the guillotine of Robespierre, which made way for the sword of Napoleon the Great, which in turn determined the day of wrath for France and Napoleon the Little at Sedan.

One of the curious paradoxes of political progress is that the doctrinaires have not been the ones who have created rational and ethical institutions. Jacobin doctrinaires become the ancestors of anarchy. The sensible, practical, concrete Washington fathers a nation.

That the state has an ethical nature and a moral mission is an idea as foreign to individualism as that the individual is not the final reality. But the ethical nature of the state first came within the point of view of the Greeks. How out of the limited area of political history behind them this gifted people were able to pluck torches to light all succeeding ages will never cease to provoke the wonder of mankind.

But even they did not know the values of their Constitutions, for was not the Politics of Aristotle unnoticed by his contemporaries, and was it not hidden in a cellar in Skepsis and found and published in the days of Sylla by Appellikon of Teos?

It is less likely that the modern publisher would buy that manuscript or could sell that book which is to

move future ages than that it is nailed away somewhere —an "Attic Philosophy"—in a box labeled "Mumm's Extra Dry."

The politics we have been looking forward to as worthy the Western Hemisphere in future times must evolve on rational, not hit-or miss, lines; and it must reckon with those two great contributions of human spirit, the Greek form and Christian content.

The peculiar contribution of the Greeks, without which it is impossible to conceive of the future of human thought or human progress, is that this universe of ours is not a *laissez faire* universe, that the world has not been abandoned to caprice, but that Reason rules the World and Men.

The late Professor Drummond has described a book he read in his childhood called The Chance World. It described a world in which everything happened by chance. The sun might rise, or it might not, or it might appear at any hour, or the moon might come up instead. When children were born they might have one or a dozen heads, and those heads might not be on their shoulders—there might be no shoulders—but arranged about their limbs. If one jumped up in the air, it was impossible to predict whether he would ever come down again. In this chance world cause and effect were abolished. Law was annihilated. And the result to such a world could only be that Reason would be impossible. It would be a lunatic world with a population of lunatics.

Now this is no more than a real picture of what the world would be without law or the universe without continuity.

This idea, the Greeks, the first of all men, discovered, and the first—would it be too much to say the last—of all men, applied to Politics. It was impossible for them to dissociate this idea from that of justice, for justice is rational. We find, therefore, in the prose and poetic literature of the Greeks, the reiterated proclamation that just relations must be maintained between men, because just relations are rational relations. Here the individualist spirit was found to be irrational and here altruism first found rational and irrefragible foundations.

Greece has given us the doctrine that Logos, or Reason, rules the world—a doctrine first promulgated to mankind by Anaxagoras, who appeared, as Aristotle says, "as a sober man among the drunken." From him began the first great systematic protest against individualism. When the Greeks first began to distinguish between nature and culture, Barbarian and Greek, they developed and explained their ideas in the growth of the mind from individualism to the larger life of rational ethics. Their contrast between Greek and Barbarian was based on the distinction between socialized and individualistic society. This idea began to dawn upon their thinkers at a very early time, long before the age of Anaxagoras, and has always been closely associated with justice and altruistic spirit. Even in days as early as those at Chalcis and Euboea, when Hesiod is said to have striven with Homer and won, this former poet entered the lists of justice and good faith against the misuse of power. It was he who wrote the first fable of its kind in all European literature and elucidated the hawk's theory that "might makes right." A hawk was soaring in the

clouds with a nightingale in its talons. Transfixed by the cruel claws, the suffering songster cried out in pain. "Silly creature," said the hawk, "why dost thou scream? Thou art in the grasp of the stronger. Thou shalt go wherever I take thee, songster as thou art. I will make a meal of thee, if I please, or I will let thee fall. It is folly to think of striving against one's betters."

Thus early in the first dim day's dawn of the authentic records of European mind, the first fable in European literature pictures the "divine" law of the "survival of the fittest"—unrestricted competition—*laissez faire*——individualism--when the claw instinct for a mouthful quenched the voice of song. Those must have been "human" days, as we have learned to connote "human," for Hesiod saw that around him which called for this fable—as true to-day—and he uttered a lament which a singer (if we had one) might utter to-day. "Would that I had died earlier, or that my birth had fallen on later days, for now there is a race of iron."

Would it have fared him better to have had his chance now, nearly three thousand years later, and have been born to a race of steel?

"The evils of Athens are due not to the gods but men. The leaders of the people, the nobles, are possessed by an insatiable love of riches, and do not shrink from injustice to acquire wealth," quoth Solon, a statesman whose poetry was but a commentary on his own emancipating career. "I have framed laws," he says, "securing justice for the humble and the miserable, dispensing to all a just equity." In his poem on Salamis, he says,

"Disdain of law has filled the state with evils. Where law reigns it produces order and harmony, and restrains the wicked. It smoothes the rough places, stifles pride, quenches violence, and nips misfortune in the bud. It straightens crooked ways, subdues haughtiness, and represses sedition. It tames the fury of baleful discord; and so men's affairs are brought into *harmony* and *reason.*"

Is there not kinship between these ideas, and that of the Sicilian in the eighty-fourth Olympiad, named Empedocles, who taught that Love is the creative and binding principle in the universe, and that the separating, disintegrating force is Hate? who taught that the perfect state of the earthly existence is Harmony and the imperfect state is Discord? that Love is the fountain, Hate the destructive principle of things?

This is the underlying principle of the tragedies of Æschylus, who began to interpret the old mythology in the light of a guiding Providence which rewards man according to his works. The spiritual world, according to Æschylus, as well as the natural world, is ruled by reason—where prevails law instead of anarchy.

Æschylus and Aristophanes, and to a degree Sophocles and Euripides, were preachers of righteousness to a degenerating age. They failed to bring Athens to repentance because their message, brilliant as it was, could not much check the individualism and the tendency to anarchy and dissolution to which they were swiftly hastening. It was here that Socrates came—for the Greeks, too late, but for us, let us hope, not too soon. Socrates took up the principle of the control of Provi-

dence (to say the same thing religiously), and made the first advance toward a comprehensive statement of the union of the concrete with the universal. Jesus took the second and final step, and future human thought on historic lines, at least, can make no progress outside the Greek form and the Christian content. For, as Hegel has said, "We affirm absolutely that nothing great in the world has been accomplished without passion. Two elements, therefore, enter into the object of an investigation, the first the idea, the second the complex of human passion; the one the warp, the other the woof of the vast arras-web of universal history. The concrete mean and union of the two is liberty, under the conditions of morality in a state."

We must understand once for all—and this the Greeks have taught us in the splendor of their ideals and as truly in the tragedy of their history—that we did not somehow fall together without reason and without God. As no child ever grew to noble manhood following the blind paths of whim and impulse, so no great people ever developed on the hit-or-miss lack of plan and reason and mission—never will fulfill a noble destiny by a fortuitous concourse of political atoms—cannot grow toward a divine humanity without reason and without God. This idea, before it came to its substantial perfection, passed through three minds, which for power and breadth have never for a given space of time—if in all the spaces of time—been equaled in the recorded history of the world.

Socrates, a true son of Zeus, found new and rational moral grounds for the being of the state and for politi-

cal association in the principles of pure ethics, so broad and so reasonable that their immanent rationality has laid itself lovingly on intelligent and unselfish beings to this day. He parted with his predecessors when he left the standpoint of individualism and looked upon humanity as a whole and found in it that which distinguished it from all other sentient creation—reason. Thus he arrived at the purely Greek idea in another and systematic way and placed it on a permanent foundation. He taught that in his very nature as a rational being man was intended for a social and political life, to which the individual may not place his will in opposition. His immortal pupil, Aristocles, whom they nicknamed Plato, because he had broad shoulders undertook the burden of systematizing the teachings of his master and if from all the splendid mass of his inspiring work we eliminate the Utopian and retain the ideal, we find his teaching reduced to this, that the adequate life worthy of man's estate is the life of reason as opposed to impulse. It is in the ideal state the ideal man is found, the state where the ideal of justice finds visible and concrete embodiment. Aristotle, pupil of Plato and tutor of Alexander, laid the idea on scientific foundations, and gave a new direction and a new content to the future political history of the world.

In Aristotle, reason is the final arbiter of political life, and law becomes the vehicle of the public conscience, not something extraneous as a policeman with his club —for his was not the modern policeman theory of the state. He makes a fundamental distinction between those who obey the force behind the law and those who

obey the reason within the law. The individualistic competitive conflict of human passions was as irrational to him as the will of an iron despotism claiming blind and sullen obedience. Law compelled society by its "sweet reasonableness," as Plato beautifully expresses it in the Crito, where the laws came in person to Socrates in prison—came to him not as jailers, but as his friends, counselors, coadjutors, and partners in all good. And so Aristotle says, "Men should not think it slavery to live according to the rule of the constitution, for it is their salvation." "It is evident," he says further, "that that government is best which is so established that *every one therein* may have it in his power to act virtuously and to live happily." Shall we with Plato conceive of the legislator as ἀρχιτεκτων laying foundation and framework of a rational human society which is the "just man writ large," or with Aristotle, that the state not only exists for life, but for noble life, or with Socrates and Plato and Aristotle in the ground idea common to all three that Politics involves knowledge of the highest good of man and means of the attainment of such values as are not monetary, but both human and divine? The conception that the state exists but to protect life and property never entered the mind of a rational Greek as an adequate content for a political philosophy.

To the Greek the law which was recognized as binding upon all was in reason, not command. The law lay deep in the reason, and was the expression of that reason because it was adapted to the higher necessities of mankind. Without those laws which the Greek state threw around

her citizens and which constituted the state in motion as it were, laws which were the results of political power limited only by the power of securing the good life for every citizen, it was conceived that the individual had no rights, nor had he the chance outside of the state of leading a rational life, and the rational life, according to Plato, is the life governed by reason as opposed to the one governed by impulse.

Aristotle's Politics was a continuation of his work on Ethics. With him Politics and Ethics are one. They constitute two points of view of the same subject—human association—at right angles as it were—each with the other. The true end of the individual and the true end of society are the same—the ultimate common good. Here he anticipated Christianity.

The old Greek had a firm hold on an idea the modern world has forgotten or despised. We must come back to it before we can attain to a rational, that is to say, ethical Politics.

The Greek understood that there are no rights without duties, no liberty without law; and that both rights and duties imply a common interest, a common good, a common life. Moreover, they laid the foundation of politics when they founded the implications of rights and duties in a common good. An association which confers rights, imposes duties; and a departure from this principle of reciprocity, which is the underlying principle of true politics, leads to anarchy or absolutism. For to the individual as to the state, all rights and no duties is as dangerous as all duties and no rights.

Aristotle, Pol., I, ii, 9:

". . . Man is by nature a political animal. And he who by nature and not by accident is without a state, is either above humanity or below it; he is the . . . 'Tribeless, lawless, hearthless one,' whom Homer denounces—the outcast who is a child of war; he may be compared to a bird which flies alone."

Pol., I, ii, 14:

"The proof that the state is a creation of nature and prior to the individual is that the individual when isolated is not self-sufficing; and therefore he is like a part in relation to the whole. But he who is unable to live in society, or who has no need because he is sufficient to himself, must be either a beast or a god—he is no part of a state. A social instinct is implanted in all men by nature. . . . Man when perfected is the best of animals, but when separated from law and justice, he is the worst of all, since armed injustice is the most dangerous, and he is equipped with the arms of intelligence and with moral qualities which he may use for the worst ends. Therefore if he have not virtue he is the most unholy and the most savage of animals. . . . But justice is the bond of men in states and . . . is the principle of order in political society.

Pol., VII, 1:

"He who would inquire about the best form of a state ought first to determine which is the most eligible life."

Pol., VII, i, 14:

"Let us assume that the best life both for individuals and states is the life of virtue, having eternal goods enough for the performance of good actions."

Pol., VII, ii, 5:

"Now it is evident that the form of government is best in which every man, whoever he is, can act for the best and live happily."

These splendid and rational thinkers laid the rational foundations for a modern political instrument but half understood and not half worked; an instrument which defines clearly its ethical, benevolent, and purposive mission —a mission behind and directing all the articles and all the amendments, all the meaning and all the purpose of the Constitution of the United States—*"To promote the general welfare."*

While the political philosophy of the Greeks was for the most part historical and analytical instead of anticipatory and constructive, the age of Pericles and its practical protest against individualism, in its art, its culture, its patriotism, laid the foundation for a national solution of political principles on a nobler scale than the world had ever known before. Observe, if you please, I am speaking of political theory, not practice—Politics, not political science. Socrates, in taking issue with the Sophists and their elaborate system of utilitarianism, for the first recorded time in the history of the world laid the foundation of an ethic which would include the whole field of Politics. Whatever may be said of the details of Plato's Utopianism, the main idea of the Republic is the necessity of organic unity in social and political life. "The just man is like a well-ordered city, the unjust man like anarchy," he declares. It will not be too great praise to ascribe to the pupil of Plato, so far as politics is concerned, the laurel of supremacy over

all other members of the human race. Yet his works are hardly taught in an adequate way in a single school or college or university of the United States. The guiding principle in Aristotle's methods of thought is the rational choice of the mean between the extremes of conduct. In a discussion involving individualism *vs.* socialism, for example, he would have found in the golden mean a solution of the problem.

It is the commonly accepted account of political philosophers that it is to Aristotle we are indebted for the "separation" of ethics and politics. To my mind this is owing to a most extraordinary lack of insight and perhaps to a lack of comprehension of what Aristotle was driving at, or it may have arisen from that all too common characteristic of the mind of man, which has been reading its Aristotle as those read their Bible whom Ruskin likened to the hedgehogs eating grapes by rolling over in them and eating those which stuck to their quills.

Aristotle in the opening chapters of the Nicomachean Ethics seeks an end like the target of an archer, with reference to which he may study the question of ethics.

"Now one would naturally suppose it to be the end of that which is most commanding and exclusive and to this description Politics plainly answers. . . . It must include the Good of Man. And grant that this is the same to the individual and to the community, yet surely that of the latter is plainly greater and more perfect to discover and preserve; for to do this even for a single individual were a matter for contentment, but to do it for a whole nation . . . were more noble and godlike."

His closing chapter in the Ethics is an introduction to the Politics, as his whole book is a preparation for that study. In the Nichomachean Ethics he considers the theory and in the Politics the practice of virtue. In this last chapter he asks if his original purpose is completed. "Must we not acknowledge what is commonly said, that, in matters of moral action, mere speculation and knowledge is not the real End, but rather practice. . . . Now if talking and writing were to make men good, they would justly, as Theognis observes, have reaped numerous and great rewards. . . . Men such as these then what mere words can transform? . . . We shall want laws on these points . . . respecting one's whole life, since the mass of men are amenable to compulsion rather than reason, and to punishment rather than a sense of honor. . . . The Lacedæmonian is nearly the only state in which the framer of the Constitution has made any provision, it would seem, respecting the food and manner of living of the people; in most states these points are entirely neglected, and each man lives just as he likes, ruling his wife and children Cyclops-fashion."

Aristotle's idea of ethics was that it was all inclusive, and he would have indorsed Samuel Johnson's saying that it "is one of the studies which ought to begin with the first glimpse of reason and only end with life itself."

Aristotle not only has not separated Ethics from Politics, but it can fairly be doubted whether he ever clearly distinguished between the two. If it is meant that he viewed society from two points of view, the ethical and political, it cannot of course be denied. But that he found common ground—indeed, that he found the ground

common, no student of Aristotle can successfully deny. He certainly distinguished between ethics and political science. Ethics and practical politics, studied retrospectively and analytically, are certainly separated, for Aristotle in the examination of 158 ancient constitutions and forms of Government must analyze existing affairs and these never coincide with ideals of right. Ethics and practical political science must be separated. Thus Aristotle separated them. This misconception of Aristotle down to this day is that of those who misconceive politics and fail to distinguish between political science and politics or political philosophy—a failure common to many of the world authorities on the subject in and out of our great universities. Political science has to do with facts and is undisturbed by the intrusion or elimination of ethical values. Political science concerns itself with what is and what has been. Political philosophy or politics including this field also looks forward as well as backward and considers what ought to be. It is because our politics has ceased to consider what ought to be, that it has become something else than politics, for politics is a part of the philosophy of humanity, from which the ethical element cannot be eliminated.

Let us therefore distinguish between the science and the Philosophy of Politics. Pure chemistry knows no ethical value, but when its compounds are considered from a wider point of view as poisons and foodstuffs, the ethical element enters. Science can give no adequate account of any phases of human affairs because ethical values are foreign to it. This is why the scientific

account of life is inadequate and must call in philosophy. It is as helpless without philosophy as philosophy without science.

Human conduct cannot be the subject of human consideration without regard to that simple and everlasting matter of right and wrong. Nor can it be considered outside or independent of political association. Aristotle never wrote of human conduct without reference to both of these considerations. He never divided the field of speculation. He never "separated" them. He always insisted that they were one, as Plato and Socrates did before him. Aristotle closed his volume on the Nicomachean Ethics and wrote practically "To be continued in our next," and his next was his Politics. And throughout the whole of this monumental work which has had more influence on the Politics of mankind than any other book excepting the Bible, Aristotle develops the Ethical idea in Politics. He positively does not separate the two ideas in any fundamental sense.

What Aristotle tried to portray in his Politics was the highest form of human association, such as would produce the noblest form of human life.

The state exists "not only for the sake of life, but for the noble life," etc. But even here the principle is recognized that the state exists for man, not man for the state, in a theory which involves an immanent Good. It involves also an adequate theory of humanity.

The fundamental fault of American Politics and economics is that neither is based upon an adequate estimate of humanity. This shows itself nowhere more in both theory and practice than in the divorce of ethics from

politics and economics, and of religion from life. A stranger need not walk far to find that from our scheme of values, confined largely to monetary standards, has arisen the "business theory of state," which was the theory of Bentham, the individualists of the Revolution and of the Jeffersonian democracy; the democracy of all rights and no duties. The puerile inadequacy of anything that might be named a political philosophy in this country will be seen in comparison with the immortal and yet forgotten conception of the Greeks over twenty centuries ago.

Politics, then, is one aspect of human economics with special reference to good and evil. The protracted effort to separate politics and ethics cannot be reconciled with singleness of purpose and sanity of judgment. The responsibility for the initiative must not be borne by Aristotle, but be shared somehow between Machiavelli and Mephistopheles.

Machiavelli is the exponent of the modern point of view. He succeeded in his emphasis of the doctrine that the end justifies the means in establishing from the individualist standpoint the doctrine which became the foundation of Jesuitism, modern politics and economics and the modern American political machine, including the engineer, viz., the "boss." Machiavelli's point of view is pure individualism in which ethics and politics are *separated*.

Conceiving only an end to be gained and taking no account of morality, Machiavelli is the father of modern politics. Religion, morality—indeed, everything is but an instrument to secure the end. Self-interest is the only

political interest of prince or state. In Machiavelli is the separation of politics and ethics complete.

The individualist theory is that politics and political economy are identical. This is the "Business theory of the State." But it must be remembered that economics and political economy are two different things. Economics is the theory of wealth. Politics includes a theory of legislation as well as of the state with reference to human welfare. Political economy is the political aspect of trade and industry. The politics of a true democracy includes a theory of the state in which good will, not antagonism, predominates—a theory of government of the people, by the people, and for the people, under a constitution which asserts our duties with our rights, "to promote the general welfare." This phrase of our constitution is the nearest approach in modern politics to the famous dictum of Aristotle, "The state exists not merely for life, but for the sake of the noble life," that we must hold political society together for the sake of honorable deeds, not for the sake of a joint livelihood, as the modern individualistic theory construes it as a bread and butter mutual insurance company.

Pol., Bk. III, ix, 6:

"But a state exists for the sake of a good life, and not for the sake of life only; if life only were the object, slave and brute animals might form a state. . . . Nor does a state exist for the sake of alliance and security from injustice, nor yet for the sake of exchange and mutual intercourse. . . . Those who care for good government take into consideration virtue and vice in states. Whence it may be further inferred that virtue

must be the serious care of a state which truly deserves the name, for without this ethical end the community becomes a mere alliance."

Then Aristotle speaks scornfully of Lycophron the sophist, who seems to have held the modern democratic doctrine that the state is only a "machine for the protection of life and property."

CHAPTER III

PATERNALISM

There is a certain pathos in that confusion of mind prevailing among many who are supposed to be thinking people, regarding those ethical actions of the nation in recognition of the obligations it sustains to the individual whose duties it claims. If a certain legislation can be called "paternalism," or "socialism," it is at once relegated to the limbo of the shockingly impossible, as if these two classifications (were they true ones, which they are not) would affect the value of—for example—national legislation against the microbe, which knows no state boundary lines, or board fences; or, for example, again, our "paternal" public school system.

It is interesting to note the difference between the theorist and statesman. Von Humboldt was a radical. His conception of the state was in keeping with the prevailing idea of his age, acknowledging very narrow limits to the functions of the state; i. e., as maintaining "security against both external enemies and internal dissensions" (Sphere and Duties of Government). He went so far as to condemn state education, but when he came to closer quarters with actual government he found that the best way to advance the intellectual equipment of the Prussian nation was in the establishment of state schools which he had condemned. He did not stop here, but extended further the scope and power of the state.

Herbert Spencer's theory of politics realized would result in the dissolution of the state. He even argues against public schools and education at the public expense. Perhaps his views would have been modified had he been called to the administration of affairs.

It would be very difficult, even in this *laissez faire* country, to find any formidable array of intelligence supporting the limited reasoning of the Economist, the late Professor Fawcett of Cambridge University, who was so opposed to the idea of state interference that he fought the principle of Nationalism as expressed in a public system, and opposed the support of public schools by the state, declaring that he was willing that the stigma of pauperism should cling to those who allowed the state to educate their children; because early in the last century the government poor laws had reduced to pauperism one in every four of the population of Great Britain. Our American common school system is not paternalism. It is not socialism. If it is either, then by all means let us have some more of whichever it is.

I have often fancied the Congressional Library a public affront to the sensibilities of every downright individualist who might wave his hand in wrath toward the Capitol for unjustly spending the money of people who cannot even read for such a building—such a pile of books and such an incomparable system as Mr. Putnam's. "Let every man buy his own books," I hear him say, and as he looks further down the hill he will continue: "Let every man study his own bugs and do his own sanitation. These paternalistic sanitations of ours are not consistent with my eighteenth century ideas."

There is a pathos in the muddleheadness of most of our "great men" on some of these elemental questions. I do not find in the speeches or writings of most of our American politicians evidence of a clear idea of the modification of the principle of state interference and state control, by the simple fact of democracy—the fact that all this kind of ethical legislation is voluntary, that is, *self-imposed*. It is not socialism, because it upholds the dignity and freedom of the individual. It is not paternalism, because true democracy is fraternalism, not paternalism. The rational imposition of ethical legislation *upon ourselves*—the surrender of certain of our rights to the general welfare—this is the soul of the democracy of nationalism. There is no paternalism without a *pater*.

To speak of paternalism under self-government is to publish a puzzleheadness quite truly American. To speak of it with feeling is a pathetic admission of label and livery in the service of some predatory cave-dwellers of individualism, whose usurped precincts are full of pirated goods in danger of some impending ethical Nemesis. Paternalism is impossible under self-government. It is only possible under a government of ruler and subjects. That this distinction has not been made is because we have failed to distinguish between those forms of government which for thousands of years have meant forcible control by power foreign to the will and interests and sentiments of the people and a form of government of the people, by the people, and for the people.

A concrete illustration of what I mean will be found

in a comparison of state interference under a monarchy and a democracy. In Germany paternalism in the form, e. g., of government ownership of railroads, means that the railroads have been taken away from the people and practically given to the Emperor. The railroad is a part of the political machine, if you please, a part of the military machine—practically controlled by one man—the Emperor of Germany. While in some respects the people benefit, after all the people are despoiled of property and power.

In New Zealand the exact reverse is true. The railroads have been taken from the hands of exploitation and turned over to the people. They have become a part of the Commonwealth. In this millennial island the people are friends, not enemies, without millionaires and without paupers. The New Zealanders have not only the largest private and individual wealth per capita in the world, $1,500 for every man, woman, and child in the country, but each individual is, over and above all this, a part owner in the splendid properties of the state, of which each individual is an organic and responsible part. There Government ownership does not militate against private property. But the fraternal spirit out of which government ownership has sprung has begun to solve the racking problem of older and less happy civilizations—the problem of distribution.

Paternalism under the Louis who said, "I am the state," was essentially and fundamentally different from what here, under democratic institutions, many alleged intelligent individualists speak of with rage and fear as paternalism. There can be no paternalism without a

paternal government. *Government control with us is the political aspect of self-control.* From the American standpoint law and constitution are not imposed upon us by a power extraneous to ourselves and successful because stronger. We are power. Law and constitution are those forms of our own corporate reason which we have thrown around ourselves in the compromise of civilized government. And we are the government through our representatives. If we do not like our own government we can change it, for we have no irresponsible monarch proclaiming, "I am the state."

Government control, if it be control, or national self-government, means the self-guarding of the rights of *all* the individuals *by* all the individuals, which is all the people of a nation. It means that if under capitalistic centralization the sphere for independent action is being narrowed and the field of individual initiative is being restricted, if under untrammeled competition the strong and the cunning tend to occupy the entire field of opportunity, the nation steps in—that is, the people organized, and bring this instrument—national Government—to bear in the interests of individual liberty, which is the *sine qua non* of true democracy. But the interests of individual liberty can be served only under constitutional liberty, not monarchy, for real individual liberty does not mean license to capricious action.

Individualism is defeating the very aim and end of democracy, in defeating individual liberty—not that liberty is the end of noble life, but a necessary means to that end. If we are incapable of self-government, so

much the worse for us. Government control under a government of, and by, and for the people might better be called an ethical democracy. If we are afraid of government control, we are afraid of law and order, even though that law and order are the rational and ethical expressions of our best selves, and not the irresponsible *ipse dixit* of a military despotism. This distinction has been present to most Americans, if at all, in their moments of absent-mindedness. But it is a fundamental distinction, and it is because we are a self-governing people that a strong government is better than a weak one; a large and complicated sphere of government better than a police force. And this will appear more and more true in proportion as we increase in population and diversity of interest.

The growing system which is at once the bulwark and pride of our nation is set in the foundation of a democracy, and is a recognition on the part of the entire people that the entire nation has duties toward all the people as well as that all the people have rights.

When Diderot, Quesnay, Condorcet, Holbach protested against state interference with the religious beliefs and the industrial pursuits of the humble citizens of France, there was reason in the doctrine of *laissez faire.*

But when it is applied to the institutions of a self-governing free people, the conditions are reversed, and there is new meaning in the purposive mission of the state.

CHAPTER IV

SOCIALISM

The most eloquent advocates of socialism the world has ever seen are "certain rich men" who need never say a word. It is not that they are rich men. Few rational people have any valid objection to rich men or to reasonable fortunes. Moreover, these men are as high types of rich men as ever got large fortunes together, and the highest type who ever got so much, for they have a large portion of the entire national wealth. This is why the institution of financialism stands in advocacy of socialism instead of anarchy. If they, with their financial power, were like some of our financiers they would make anarchists. The scientifically inclined are drawing curves to see how long it will take for them or others to own it all. And how much will it take in hard assets, with the awful credit power that goes with it, for a few men to own the controlling interest in the United States. Do they do it now?

It was but a few months ago (as things go) that we were frightened at Harriman's two billions, and a year or two before at Rockefeller's billion. Before the Civil War all the wealth—the total capital of all the millionaires in the United States—amounted to one man's profits on one deal, or his income for a few months, or perhaps weeks.

This is what is making socialists. If it comes to the point of saying whether all the people of the United

States shall own the controlling interest, or a few men shall own the controlling interest, the verdict of the American people will be for themselves—i. e., for socialism.

It is quite amusing, though sometimes exasperating, to have socialists pick up here and there acts of legislation tending toward social justice or industrial amelioration and hold them out in the palms of their hands and say, "Behold! so much redeemed to socialism!"

There are great areas of life and thought common to the best minds and spirits of men which cannot be fenced off by a party or monopolized by a sect. The religionist cannot claim a reformed drunkard as a recruit to Methodism because he has sworn off, nor can the disciple of Brigham Young find an advance in Mormonism in every flirtation. Socialism does not mean merely association. Nor does the antithesis of individualism mean socialism. Nor does political socialization mean that it is socialistic.

Socialism is a system. It is a life philosophy and it hangs together.

Individualism is a system. Christianity is a system. It too is a life philosophy and it too hangs together. There are some of the teachings of the one to be found in the other. But this does not mean that they are identical.

There is a certain area of socialization in society, if I may use the expression, which cannot be called socialism at all.

We must distinguish sharply between the purposive mission of the state and the aims of socialism, for it is

only in the further use, I may say the historically intelligent use, of the principle of association as opposed to individualism, of the cohesive as opposed to the disjunctive forces of the nation, that we shall find the cure for the tremendous socialistic tendency of the day.

It is unfortunate that such words as "society" and "association" are derived from the same root as the word "socialism."

The average unintelligent individualist has a certain pathetic and hopeless way about him of confounding socialism with that form of socialization which in a national state tends to "promote the general welfare." To surrender to socialism the ethical purpose and mission of a state is sooner or later to surrender the state to socialism.

The principle of government control or state interference, as the English call it, or paternalism, as the unthinking call it, is not and never can be socialism. It is indeed difficult to define socialism. So many vague and Utopian dreamers have identified it with other things that the public is not aware that socialism, as socialism, as defined by European authorities and accepted by the great mass of those who call themselves socialists today, means revolutionary socialism. And revolutionary socialism means the abolition of practically all private property, and further, many believe in the abolition of the institution of the family. The most revolutionary exponents of this doctrine are the continental socialists, where radicalism as expressed in anarchy or socialism is reaction against tyranny. Such theories as the Christian Socialism of Maurice and Kingsley scarcely exist

to-day. Socialism is sweeping over the world like a flood, and Canute cannot drive it back. This is the most tremendous social fact in the world to be reckoned with by the statesman of to-day.

Socialism is not an ethical democracy. It is not fraternal. When one speaks of fraternalism he must be very careful that he is speaking of something which includes the spirit as well as the form of fraternalism. Just here appears the danger of reaction. Society achieves no gain in exchanging one tyranny for another. We do not move forward by breaking up one despotism and setting up another despotism. We do not progress by turning out one set of rascals and setting up another set of rascals. The despotism of the many is no kinder than that of the few. We come in the last analysis to two things. We cannot build up a sound nation of unsound men. We cannot bind men into a rational state with an unethical motive. A change of method is not a change of motive, and a change of method is all socialism offers us. The present world movement of socialism is the reaction against the baleful developments of individualism, resulting through untrammeled competition in the annihilation of competition by reason of the fact that competition, unrestrained, has carried its death instruments in its own bosom.

The strong win. The weak perish. Everywhere and forevermore the strong exploit and prey upon the weak —under monarchy in one way, under democracy in another. This results in protest—reaction. That reaction is socialism. Nine tenths of the socialists have been made by the indictments of individualism, not by the

panacea offered by socialism. What does socialism offer? It is, after all, the "economic interpretation of history" and the promise of a shopkeepers' or proletariats' millennium. The teaching of Karl Marx is a materialism as unrelieved as the individualism which crushed the child-life of Manchester and Birmingham a hundred years ago. Before Marx, Saint Simon and Fourier had poured scorn over moralist, idealist, and philosopher. To them these were the word-mongers of idealism—dealers in some distillation or other form of that spiritualist theory which finds its best known shape in religion. All alike attempted to rule the world by figments. "Duties," says Fourier, "are only the caprices of philosophers, they are human and variable; but the passions are the voices of nature and God, and the end of all desires, the fullness of happiness, is that graduated opulence which puts one above want, and through and in it the satisfaction of all one's passions."

Marx, interpreting politics, religion, and ethics as so many phases of economics, and economics as the science of the welfare of economic humanity, and as the sum, center, and circumference of history, postulating the relations and rewards of labor as the only reality in all history, presents us with a dialectic of materialism as naïve and brutal as anything the human mind has ever wrought. What motive underlies it? Self-interest. What end and aim lure it? Material concerns. This is the philosophy of life it offers. And this will never lay the foundation of a great state, nor satisfy a great people. It is still Hedonism pure and simple—still egoism, still individualism. Individualism *vs.* Socialism

means exactly in other words and terms: *Egoism Hedonism vs. Universalistic Hedonism.*

Modern socialism is organized individualism. It is coöperative utilitarianism.

It is the logical outcome of individual and competitive warfare. It is a protest against unorganized individualism and organized financialism on the same plane. It affords a trial of strength with the same weapons and in the same field. Devoid of the altruistic motive it is the struggle of soulless form with chaotic void. Socialism is organized instinct and systematic and coördinated selfish materialism, and it fails fundamentally in its philosophy of life. Its motive is egoistic, not altruistic. If it differs from individualism it differs only in method, not in motive. It has borrowed the forms of fraternalism with which to deceive the elect, but it has lost the soul because it does not believe in soul. It is a huge economic machine, unillumed by a ray of ethics, inspired by no breath of that spirit without which there is nothing human in man.

What we want is a rational theory of an ethical democracy. And this must begin in the motive of good will. It must work from the individual conscience, freed and emancipated, toward a common conscience, a coöperative reason. Here modern socialism falls short. Marx practically begins with his corporate materialism and works back to the individual conscience and will, to find them enmeshed—enslaved. Individualism and socialism are both economic materialisms, and offer two aspects of the bread-and-butter theory of the state. Mr. Leslie Stephen calmly remarks, speaking of the individ-

ualist point of view, that politics is a matter of business and resents the intrusion of first principles. The fundamental maxim of Karl Marx is that all human institutions and beliefs are in their ultimate sources the outcome of economic conditions—in other words, a matter of business. One materialism is as brutal as the other.

A generation since, when the philosophy of the world was more materialistic than it is to-day and life of the people was less so, Du Bois-Reymond claimed practically that the history of man is the history of tools—that it is the history of the invention of those implements which enabled man thus far to conquer and control nature. Before this Marx had worked out his conception of history. Before him still, the prophets of Manchester worked out their sodden gospel. The individualistic political economy is simply a statement of the principles of anarchy dipped in rosewater and applied to economics.

It will be admitted at once that economic conditions have profoundly modified human history and must ever do so. There are elements, however, between the lines of economic latitude, a spiritual longitude, as it were, which have escaped the historic or scientific materialist. A man is not merely the most intelligent brute in creation; he is not a disembodied spirit, and it must be admitted that the future does not belong to the cultured and refined except on condition of a certain physical basis of blood and bone and brawn.

The economic aspect of life offers but one set of the vital problems connected with human progress, and to other than bread-and-butter consideration we turn in our weariness and ask with Savage Landor, "Show me how

great projects were executed, great advantages gained, and great calamities averted. Show me the generals and statesmen who stood foremost, that I may bend to them in reverence. Let the books of the Treasury lie closed as religiously as the Sibyl's. Leave weights and measures in the market place, commerce in the harbor, the Arts in the light they love, philosophy in the shade. Place History on her rightful throne, and at the side of her Eloquence and War."

The reconciliation of the individual and the state rests in good will and moral purpose. There social and individual rights meet and lose their antagonisms in this larger freedom of the good will.

The departure from individualism, organized or rampant, begins in the dawn of the motive of good will. I mean that kindly and sweet-tempered spirit which has ceased to raise an ethical standard on the point of view of the individual selfishness and starts out on the long upward process of evolution toward human sympathy and helpfulness. I mean that good will which is opposed to the principle of war as the ruling instinct of humanity, and conceives the better part in working together for the same thing instead of against each other for the same thing—that good will which Kant called "the only unconditioned good in the universe."

The departure from the individualistic point of view is where the individual ceases to be the final court of appeal, when the individual begins to consider itself from the standpoint of the universe and not the universe from the standpoint of the individual.

In politics and economics the problem becomes one as

to whether the element of good will shall find less or more scope; whether the area of the common good shall be enlarged and restricted—whether, in fact, the "harmonious development of the human race" lies toward the motive of good will and the ideal of a united and friendly humanity, or in the motive of the selfish instinct and the ideal of atoms at war. Here lies the problem of politics and the fate of democracy, in which, i. e., in the true democracy, not the false, is involved the future of human freedom. Will the "harmonious development of the human race" and human liberty, in so far as it contributes to that kind of development, result from a government more rational and more ethical—which is to say of more solidarity—or from one whence the cohesive power and aim of reason have been taken away—and which in losing the boundaries of rational form and the binding power of good will has lost both body and soul? If we agree that the state, like the Sabbath, was made for man and not man for the state; if we agree that the individual is the end of civilization and of nature, then let us ask a further question. Is this end so much to be desired attainable by each individual seeking his own expansion and perfection independently, through the motive of selfish instinct, each without reference to the interests of the rest, according to the platitudinous dictums of *laissez faire*-ism in general, that the good is the resultant of innumerable conflicting self-interests; or does the perfection of human character, or individuality, lie in discipline, in self-identification with the universal good, and does that perfection lie, so far as politics modifies it, toward anarchy or toward an ethical and

rational state? "Morality is the substance of the state, or, in other words, the state is the development and affirmation of the people's united moral will; but religion is the substance of both moral and political life. The state is founded on the moral character of the people and their morality is founded on their religion. . . . The basis of the laws to which men must submit must exist prior to all the laws that are founded upon it. It is the root from which they spring or the developing substance of their existence. Apart from all metaphysical discussion on morality and religion, the truth remains, *that they must ever be viewed as inseparable.* There cannot be two consciences in man, one for practical and another for religious interests. Accordingly, as he deeply and sincerely believes, so he will act. Religion must be the basis of morals, and morality must be the foundation of a state. . . . It is the monstrous error of our times to wish to regard these inseparable (politics, morals, and religion) as if they have been separable one from the other: yea, as if they were indifferent to one another . . . as if the state's whole moral system, including its constitution and its laws as founded on reason, could stand of itself and on its own ground" (Hegel).

The religion of a people, like the ethics of a people, must be immanent in their political and social institutions. If this is not possible in a democracy, then democracy must go and the people with it. But this is not possible under individualism, for political ethics and ethical politics are not possible under individualism.

Hegel contends that the Ultramontane theory of religious authority can never be made to accord with any

political institutions that are not despotic. No government can be safe while the people regard it as existing outside the sanctions of a religion found outside the state. Not a state, I take it, does he mean, over which religious authority is exercised, but through which the authority of the spiritual reason is supreme.

A rational analysis of the idea of the state will show not only that we owe duties to the state if we claim rights, but that the state itself has duties, if we allow that it has rights, and if it expects from us the discharge of our obligations. In the development of this idea of reciprocity lies a completer idea of a state; and in this lies a more congenial environment for happiness and virtue. For it is just at the point at which we depart from the reacting democracy of the revolutions of the eighteenth century—i. e., from the pigeon-breasted catch phrases of all right and no duties—it is just where we admit the principle of mutual obligation that we lay the psychological foundations of law and order and of the rational state. For the state is built in the idea of a common life. What is the substance of the word justice but the public good, the common weal?

It is here—in the element of reciprocity—that we find the justification of the idea that the state itself has duties as well as rights, and it is through the function of the duties of a state that it proceeds on sound and legitimate lines to "promote the general welfare."

CHAPTER V

THE INDIVIDUAL AND POLITICAL ENVIRONMENT

The question must arise somewhere about here as to whether a system of anarchy or of law and order offers the better environment for the development of sound individuality, which (it must be admitted) is the only basis of sound nationality. This brings up the point that we must distinguish sharply between the claims of individuality and those of individualism. In other words, is it under individualism or socialism, or that nameless middle ground which for want of a better name we have called nationalism, that the best type of individuality may develop? Let it be said at once that those who fear socialism as much as they do individualism, and who fear both only less than they do Mephistopheles himself, are among the most strenuous advocates for the liberties and dignities of the individual. Where we differ from the socialist is in that we believe in keeping a large area out of the deadening influences of a bureaucracy for private volition and initiative; and where we differ from the individualist is that we believe that "character building," which is unrecognized by modern legislators, as Herbert Spencer, the philosophical anarchist, laments, may be better pursued through rational forms of law and order in a highly organized state than in the quasi-anarchy which must exist under Herbert Spencer's watch-dog theory of the state.

I will admit, for a moment, with a prominent individ-

ualist (Crozier), that "the elevation and expansion of the individual is the goal of civilization, *the true end of government* [the italics are mine] and the end to which nature works."

If I go further than Crozier and say that there is no politics possible which is not based on a philosophy of life which, after all its labyrinthine wanderings, comes back as it were at last to Abraham's bosom and rests in the individual soul, I hope it will not be inferred that the individual referred to is the detached and solitary human monad hermetically sealed in 200 pounds of acquisitive avoirdupois. I am speaking of an individuality which cannot be conceived apart from spirituality, "of the elevation and extension of the individual" which is "the goal of civilization, *the true end of government,*" for I will not allow an avowed individualist to outdo me, whether it be Crozier or Herbert Spencer, in enlarging, dignifying, and moralizing state action, making "the elevation and expansion of the individual" the true end of government, or "character making" the most important end of the legislator.

I am speaking of the individuality of the individual character, which is inseparable from, and which is the offspring of, sociality; an individuality which is impossible in solitude or savagery—whose secret has not been found by the wild man of Borneo. The simple proposition is that the most perfect character is not developed by shutting itself up, but by opening itself up.

I am ready to repeat my contention that a rational theory of life, without which there is no rational politics, must bring us to the bedrock of a sane theory of

personal character. Hence the distinction that a study in individuality is far from a study in individualism. The latter is a theory of life. It is preëminently the self-centered theory. Its politics and ethics, if indeed politics and ethics are possible under individualism, are those of philosophic nihilism, for this is equivalent to philosophical individualism.

The British Constitutional Association (Introduction to Doctor Saleeby's recent Lectures in Edinburgh on Individualism and Collectivism) states that "The Association contends that the following quotation from Herbert Spencer's First Principles proves clearly that the path of progress is from freedom to greater freedom, and that collectivist measures for curbing the individual in the supposed interests of the many are as retrogressive as they are unscientific and non-political:

> Our political practice and our political theory alike utterly reject those regal prerogatives which once passed unquestioned. . . . Thought, our forms of speech, and our state documents still assert the subjection of the citizens to the ruler, our actual beliefs and our daily proceedings, implicitly assert the contrary. . . . Nor has the rejection of primitive political beliefs resulted only in transferring the authority of an autocrat to a representative body. . . .
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> How entirely we have established the personal liberties of the subject against the invasions of state-power would be quickly demonstrated, were it proposed by Act of Parliament forcibly to take possession of the nation, or of any class, and turn its services to public ends; as the services of the people were turned by primitive rulers. And should any statesman suggest a redistribution of property, such as was sometimes made in ancient democratic communities, he would be met by a thousand-tongued denial of imperial power over individual possessions. Not only in our day have these fundamental claims of the citizen been thus made good against the state, but sundry minor claims likewise.
>
> Ages ago, laws regulating dress and mode of living fell into

disuse; and any attempt to revive them would prove the current opinion to be, that such matters lie beyond the sphere of legal control. For some centuries we have been asserting in practice, and have now established in theory, the right of every man to choose his own religious beliefs, instead of receiving such beliefs on state-authority. Within the last few generations we have inaugurated complete liberty of speech, in spite of all legislative attempts to suppress or limit it. And still more recently we have claimed and finally obtained, under a few exceptional restrictions, freedom to trade with whomsoever we please. Thus our political beliefs are widely different from ancient ones, not only as to the proper depository power to be exercised over a nation, but also as to the extent of that power.

Not even here has the change ended. Besides the average opinions which we have just described as current among ourselves, there exists a less widely diffused opinion going still further in the same direction. There are to be found men who contend that the sphere of government should be narrowed even more than it is in England. They hold that the freedom of the individual, limited only by like freedom of other individuals, is sacred; and that the legislature cannot equitably put further restrictions upon it, either by forbidding any actions which the law of equal freedom permits, or taking away any property save that required to pay the cost of enforcing this law itself.

Sir Arthur Clay, Bart., says of Doctor Saleeby's lectures, "We must all feel grateful to our lecturer for his vigorous reassertions of the value and truth of Herbert Spencer's teaching, and we must all feel that we have arrived at a point in social questions at which the road divides and that one of its branches is the 'pathway to the stars,' while the other leads us, we believe, to social disintegration and a slow but sure reversion to lower stages of human condition than that to which we have attained with so much effort and through such bitter experience. The British Constitutional Association stands at the parting of the ways and urges our citizens to choose the nobler path."

Let us lose no time in congratulating the British Constitutional Association upon this clean cut distinction and this noble advice. Let us hasten to say that while we might make some restrictions as regards the bearing of Herbert Spencer's teachings upon this subject, we agree wholly that we are at the fork in the road and that as between the two paths ahead we unhesitatingly warn the weary pilgrim to avoid that which leads to "social disintegration" and those "lower stages of human condition" which lie in the chaos of individualism in that remote past, where everywhere the egoistic instinct prevailed and out of which civilization, which is nothing more nor less than socialization, has been calling law and order in its slow but steady progress in its "pathway to the stars."

"Says Herbert Spencer," says Doctor Saleeby, "in "words which I make no apology for quoting at length:

" 'Let it be seen that the future of a nation depends on the nature of its units; that their natures are inevitably modified in adaptation to the conditions in which they are placed; that the feelings called into play by these conditions will strengthen, while those which have diminished demands on them will dwindle. . . .

" 'Of the ends to be kept in view by the Legislator all are unimportant compared with the end of character making; and yet character making is an end wholly unrecognized.' "

Doctor Saleeby closes his lecture with this significant remark, "Either the state is very far wrong or the great individualist. I leave you to choose between them."

Let us admit, confidentially, that it is the state this time. It is rare, and indeed one of the most unusual of pleasures, to be able to agree with Herbert Spencer. So much of Herbert Spencer's work has been devoted to the philosophy of individualism that it is rather startling to find Saul among the prophets. "Of the ends to be kept in view by the legislator," says Mr. Spencer—but then there are only two or three ends to be kept in view by the legislator, according to Herbert Spencer, and what these are we might ask before going further. There are plenty of passages which outline the intensity of his individualism and his hatred of state action, but none which outline a better idea of his views than that which the British Constitutional Association presents as proving "clearly that the path of progress is from freedom to greater freedom and that collectivist measures for curbing the individual in the supposed interest of the many are as retrogressive as they are unscientific and non-political." Here he contends "that the sphere of government should be narrowed even more than it is in England . . . that the legislature cannot equitably put further restrictions upon it either by forbidding any actions which the law of equal freedom permits, or taking away any property save that required to pay the cost of enforcing this law itself."

Just where the capital is coming from to set up the legislator in the business of "character making" under these restrictions is a question that, Herbert Spencer being dead, is left for Doctor Saleeby, or Sir Arthur Clay, to explain, and just where the principle of collectivism can be made to appear in a state so highly organized as to

assume the ethical and social function of "character making" (and it is agreed that this is "an end wholly unrecognized") will hardly be found in "Social Statics," "First Principles," or "Man *versus* the State." (By the way, why Man *versus* the State? Have we not Herbert Spencer's whole philosophy in this title expressing antagonism between corporate and individual man?)

I repeat that it is a rare pleasure to find the doctrine stated in no uncertain terms that we need more state interference rather than less; that the modern legislator is remiss in his duty; that he is shirking his responsibilities; and that he is to compete with parson and pedagogue in legislating for a state which after all then, *Gott sei dank, has* a rational, constructive, ethical, spiritual, and purposive mission.

While we are agreeing with Herbert Spencer let us express our further pleasure in his doctrine that "the future of a nation depends upon the nature of its units; that their natures are inevitably modified in adaptation to the conditions in which they are placed; that the feelings called into play by these conditions will strengthen, while those which have diminished demands on them will dwindle."

There are two important considerations suggested here. The first is as to whether a state of anarchy or a state of law and order is the better environment for these human units or offers the better opportunities for "character making." The second is, to paraphrase Herbert Spencer's statement, "let it be seen that the future of a house depends upon the nature of the brickbats." The question which Herbert Spencer does not raise is

the one of architecture. It is apparent that if the materials are good the house will be both a beautiful and comfortable home. The bricks, planks, and plaster (which must all be of perfect materials in perfect units of their kind) will by some good *laissez faire* chance or other fall together without architectural forethought into a whimsical form and—well—behold! The Temple of Individualism!

To return to Spencer: "The feelings called into play by these conditions will strengthen, while those which have diminished demands on them will dwindle."

We are told by the unctuous prophets of *laissez faire* that competition is the law of life and that we develop strength in competition. This is quite true. "The feelings called into play by these conditions will strengthen." What are these conditions of modern competition? What kind of strength are we developing? And what kind of weakness are we eliminating from our twentieth century civilization? We are developing the kind of strength which prevails in our political and economic environment. That environment is one in which the strong survive and the weak are eliminated. And we are developing the kind of strength which is exercised in the struggle forced by an environment in which we have been unfortunate enough to have been born if we are unfinancial men. The strength this age of free competition is developing is that of financialism and almost nothing else. The financiers are masters of the world—the rest of us are mostly hired men. Financialism is not only eliminating the weak, that is, the unfinancial, but it is also framing and strengthening the

social structure so that it reacts for the benefit and for the perpetuation of the strong; that is, when you sum it all up, the financial instinct.

If there is any truth in the contention that competition develops strength, the kind of strength developed is that which competes and that on the plane of competition. Does the theory of individualism, which is that self-interest is the motive and self-aggrandizement the aim, and a free-for-all field for wolf and lamb alike, without recognition of the principle of handicap, offer a fair and even chance for making those perfect units which are necessary to a perfect state? Does this environment offer the legislator his best field for "character making"? Is not self-aggrandizement the overpowering aim of civilization? Is not this what most of the world is working for, competing for? Does this process exercise the altruistic muscles and is it likely that great souls will be the fruit of a *laissez faire* competition of innumerable acquisitive instincts? Is it not likely, rather, that it will result in a few more acquisitive monsters and the apotheosis of the multibillionaire?

We are told that the race improves, but we are not informed what type of weakness is to be eliminated.

Professor Henry Jones, of Glasgow, in a recent work (The Working Faith of the Social Reformer), makes a very important distinction. He says that both socialists and individualists seem to take it for granted that the larger area of state control or public ownership restricts the field of individual initiative.

"It will be well to ask the question," he says, "which both have practically overlooked. There is no doubt

that state and civic enterprise have increased, but has private enterprise contracted? Can the former increase only at the expense of the latter? Are the two spheres mutually exclusive, or is it possible that the general law of the growth of spiritual subjects, whether individual or social, holds here too, and that each in developing may strengthen its opposite?"

He asks further, whether with the modern increase of state action private greed is disappearing under the new regime. He then asks a most pertinent, indeed vital, question, "What does the moralist fear more, or with better reasons, to-day than that the new industrial conditions will absorb the mind of the nation to a degree that imperils the deeper foundations of its welfare?"

Again, "The contention that 'socialism is already upon us' is true if by that is meant that the method of organized communal enterprise is more in use; but it is not true if it means that the individual's sphere of action, or his power to extract utilities, that is, wealth, out of his material environment, has been limited. It is being overlooked that the displacement of the individual is but the first step in his reinstatement; and that what is represented as the 'Coming of Socialism' may, with equal truth, be called the 'Coming of Individualism.' *The functions of the state and city on the one side and those of the individual on the other have grown together.*"

I need offer no apology to the reader in quoting further at some length and in filling, perhaps, another page with the vital and profound words of Professor Jones when that page would otherwise be filled with words of my own.

"It is quite true," he continues, "that common ownership and common enterprises turn us into limited proprietors; but they make us limited proprietors of indefinitely large utilities."

Just here I could have wished to see Professor Jones enlarge upon the point that there is almost an infinite number of the "indefinitely large utilities" which we can enjoy as much of under limited proprietorship as under exclusive ownership. Why shut the world out when our cup is already full?

"Through the common use of public means to meet individual wants the real possessions and power of every one are enlarged. Break up the common use and the use for each by himself will be less. Take the individual out of the organized state, disentangle his life from that of his neighbor's, give him 'the freedom of the wild ass,' make him king of an empire of savages, and he will be as naked and poor and powerless as the lowest of his subjects, except, perhaps, for some extra plumes and shells.

"State and citizen live and develop only in and through each other. It is the unmoralized community and the unsocialized individual which follows methods of resistance and mutual exclusion. As they grow in strength—that is, in the power to conceive wider ends and to carry them out—state and citizen enter more deeply the one into the other. If the state owns the citizen, the citizen also owns the state. . . . So that the individualist might well desire more 'state interference' and the socialist more 'private rights' for the best means of producing strong men is a highly organized state, and the only way of

producing a strong state is to make the citizens own so much, care for so much, be responsible for so much, that each can say without injury to his neighbor, 'The state is mine.' "

Notwithstanding the fact that Herbert Spencer stands with the nationalists in his assertion that there is no more important duty of the legislator than that of "character making" (and I confess that I agree with him wholly, and that the proposition is fundamental under whatever "ism" it may be classified), politics may be considered as a question of environment.

It is not claimed by the New Politics that legislation will recreate human character or reform the world, or that the state, centralized or decentralized, can ever become what Bentham characterized as a "mill to grind rogues honest" (Theodore Roosevelt, Dynamic Geographer, Henry Frowde, by the present writer). The vain regret is as old as the memory of Antisthenes, who implored the Senate of his time to make horses of asses by official vote. The new democracy of nationalism claims for itself that it offers the forms of a rational association in a sphere of the state, enlarged and moralized, which will constitute a political environment where everything in the individual that is best and worth preserving will be encouraged instead of thwarted, and where the kindlier impulses of the human heart, the most of which are being choked in the maelstrom of individualism, shall have at least even chances for existence. If the state will offer a political environment which will make the public well-being possible, the public will look out for itself. The pathetic message of history is that the people have

never had a chance. What they want is a chance. An ethical democracy would offer them a chance.

Plato has said somewhere that you will never have a perfect race of men until you have a perfect environment, and what Spencer says is equally true, that you cannot have a perfect state without perfect units.

The contribution of the Science of Biology to the study of environment will throw a white light on the subject if followed out, but I cannot do that here. For it is certain, and, I may say, it has passed into the common and established knowledge of the world, that a given organism will thrive better in one environment, and the fact of the better or the worse type will be determined by the better or the worse environment.

The modern city, for example, which kills its entire population in every four generations, is constantly being recuperated from the country. However, it is producing several new types of human being, new to the world without doing credit to it. The institution of financialism is producing its types, and developing them on logical lines, straight toward their prototypes, the dog, the cat, and jackal families, with the element of intellect added to the primordial instincts of their possible faraway ancestors.

Now and then a dusty wayside throws out a flower, escaped from the trampling of many hoofs or feet, but ordinarily "flowers grow in the gardens of those who love them," and who understand them, and who understand the environment in which a flower thrives.

Once for all let it be admitted that no sane theory will allow the world to lose the freedom of the individual,

provided by freedom we do not mean lawlessness. The chief argument against all socialism, from the socialisms of the muck-rake to the socialisms of dreamland, is that they indeed point to a "coming slavery"—slavery to the mob. The health of nations lies in a sound and free individuality.

We are coming to question the place hitherto given to liberty as life's chief good in and of itself, and to suspect that liberty instead of being an end is a means to an end. But more than this, whether it is an end or means to the end, it is to be found by indirection. It is to be found by seeking something else. *Individual liberty does not lie toward individualism.* The growing recognition of the principle of the enlargement of liberty through the principle of association may be used to bring up again, even though but for a glance before we pass on, the question of this matter of liberty—I mean political liberty.

By far the ablest presentation of the opposite view of this subject is that of Mill on "Liberty," published in the middle of the nineteenth century, basing his argument not on abstract "natural right," but on expediency. But John Stuart Mill, before he died, recognized very clearly that even the appeal to utility required conclusions which swept the support from individualism, and one of the most charming chapters in the history of human thought is that of this "Saint of Rationalism," as Gladstone called him, at last admitting the futility of individualism as a philosophy of life.

Had not Bentham, his master, built his system on the Epicurean doctrine that "pleasure is the chief good," and

had not Bentham expressly said, "Epicurus was the only one among the ancients who had the merit of having known the true source of morality"?

In his charming autobiography Mill describes a crisis in his life. He had been reading of a heroic action in Marmontel's "Memoires." "They led me to adopt a new theory of life," he says. "Those only are happy (I thought) who have their minds fixed on some other object than their own happiness; on the happiness of others, or the improvement of mankind, even on some art or pursuit followed not as a means but itself an ideal end. Aiming thus at something else they find happiness by the way. The only chance is to treat not happiness but some end external to it as the purpose of life. . . . This theory now became the basis of my philosophy of life."

It is easy to see where this entire abandonment of individualism must necessarily lead him. He states that his first idea of the solidarity of the race and the unity of history was given him by reading the political writings of the St. Simonian School of France. "I was greatly struck with the connected view which they for the first time presented to me of the natural order of human progress." Speaking of the "third period" of his life, he writes of his wife and himself together, and of his opinions having "gained in breadth."

"While we repudiated with the greatest energy that tyranny of society over the individual which most socialist systems are supposed to involve, we yet looked forward to a time when society will no longer be divided into the idle and industrious; when the rule that they

who do not work shall not eat will be applied not to paupers only, but impartially to all; when the provision of the produce of labor, instead of depending in so great a degree as it now does on the accident of birth, will be made by concert on an acknowledged principle of justice; and when it will no longer either be, or be thought to be, impossible for human beings to exert themselves strenuously in procuring benefits which are not to be exclusively their own but to be shared with the society they belong to. The social problem of the future, we considered to be how to unite the greatest individual liberty of action with a common ownership in the raw material of the globe and an equal participation of all in the combined benefits of labor." "We were now much less democrats than I had been . . . an ideal of ultimate improvement went far beyond Democracy, and would class us decidedly under the general designation of Socialists."

What happened in the life of John Stuart Mill is too slowly happening to this age. We began where he began, and we are experiencing a development similar to his. We are learning that liberty is something other than license, and that it is to be gained by a utilization of the principle of association and not of the principle of strife. We are beginning to question the dogmas of an earlier age, that pleasure is the chief end of man and that unrestricted liberty is the chief means of its attainment. We are, however, more than ever convinced that the principle of liberty is something to be held at all hazards, and that in all our theoretical wanderings we must never lose sight of individual liberty as the beginning of prog-

ress; but that individual liberty is the product of law and order. "To obey God is freedom" (Seneca).

It is profoundly true that there is no freedom possible to the man who has not become master of himself, his whims and instincts—and there is but one road to this—through discipline. There is a discipline of freedom and there is a discipline of law. "None can love freedom heartily," says Milton, "but good men: the rest love not freedom but license, which never hath more scope or more indulgence than under tyrants."

"Moral liberation and political freedom must advance together," says Hegel, "the process must demand some vast space of time for its full realization; but it is the law of the world's progress and the Teutonic nations are destined to carry it into effect. The Reformation was an indispensable preparation for this great work. . . . The failure of the French Revolution to realize liberty was because it aimed at external liberation without the indispensable condition of moral freedom. . . . The progress of freedom can never be aided by a revolution that has not been preceded by a religious reformation."

"Liberalism as an abstraction, emanating from France, traversed the Roman world; but religious slavery held that world in the fetters of political servitude. For it is a false principle that the fetter which binds Right and Freedom can be broken without the emancipation of conscience—that there can be a Revolution without a Reformation. . . . *Material superiority in power can achieve no enduring results;* Napoleon could not coerce Spain into freedom any more than Philip II could force Holland into slavery."

Wordsworth wrote on the margin of an article which denounced him as a democrat: "I am a lover of liberty, but am aware that liberty cannot exist apart from order."

Even the late Lord Acton, profoundly individualistic as he was, said once in spite of his polemic against nationality, that neither liberty nor authority is conceivable except in a well ordered society and is remote from either anarchy or tyranny. "Constitutional Government," says a biographer, "was for him the sole eternal truth in politics, the rare but the only genuine guardian of freedom."

"Everything in nature," says Kant, "acts according to laws: the distinction of a rational being is the faculty of acting according to the consciousness of laws."

The free man, therefore, is the man who does not what instinct demands but what reason requires, since reason is as much or more of the real nature of man than instinct.

Wherever human liberty has appeared in this world it has quickly disappeared again unless it has been guaranteed by law and order. Human rights are ordained by civilized society and human beings have never anywhere enjoyed those rights except through law and order as constituted by civilized society. Emerson speaks of what he calls "this law of laws," by which "the universe is made safe and habitable."

My contention is that human liberty (and human welfare as well) is promoted and safeguarded by neither anarchy nor socialism, but in a rational social order swung in a proper equilibrium between local self-government and national self-government.

Law and order are not the destruction but the safeguard of individual liberty, and a rational state is the only environment in which the flower may grow. But the state is founded in the idea of reciprocity. So is the golden rule. Social ethics and individual ethics have the same foundation; therefore there is no diversity of real interest and no real dividing line between the individual and the social self. Liberty is not the fruit of the solitary life. For he who isolates his mind and heart as nature has isolated his body, is a freak or a criminal, for, as Aristotle said long ago, "he must be a beast or a god who would live alone."

CHAPTER VI

FOUNDATIONS OF NATIONALISM

The clue to the making of nineteenth century thought has been clearly given by the late Professor Edward Caird: "The *idea of organic unity,* and, as implied in that, the *idea of development.*" "Goethe and Hegel in Germany: Comte in France, Darwin and Spencer in England . . . and a multitude of others in every department of study, have been inspired by the ideas of *organism* and *development.* . . . These ideas have been the marked ideas of the century, the conscious or unconscious stimulus of its best thought"; and they are working "in the direction of a deeper and more comprehensive irenicon . . . than has been attained in any previous stage of the history of philosophy."

"The peculiar nineteenth century movement begins with a reassertion of the universal as against the individual." "Philosophy was no longer content to regard the whole as the sum of the parts, but could look upon the distinction of the parts only as a differentiation of the whole" (Progress of the Century, Harper, 1901). Professor Caird further develops the thesis that the best and latest thing in philosophic evolution is the spirit which does not oppose the universal to the individual, but synthesizes both. It is so with us. We want all the truth there is in individualism. We want all the truth there is in socialism. It must be a synthesis, which is neither individualism nor socialism. Politically what

shall we call it? Nationalism? It matters less what we call it than what we make it.

Caird undertook a criticism of Comte's Social Philosophy (which might be said to be in a sense based on the proposition that there is no philosophy of the individual apart from a philosophy of humanity) from the point of view of the proposition that "there can be no religion of humanity which is not also a religion of God." "And this means," continues Caird, "that it is logically impossible to go beyond the merely individualistic point of view with which Comte started, except on the assumption that the *intelligence of man is, or involves, a universal principle of knowledge.*"

Until our appeal to reason goes back of the individual opinion and finds reality in the corporate intelligence of man—an intelligence which "is, or involves, a universal principle of knowledge"—we are lost in the confusions of illimitable and irredeemable wastes. There is no possibility of a conception of an ethical state, on the basis of atomism, for the democracy of individualism is destitute of an architectonic idea, as well as of that cohesive principle which alone makes a state possible; viz., the nexus of good will in a framework of the common good. There is no common good possible where the nexus is enmity and not good will. An aggregation of scrambling, grasping selfishnesses does not make a rational state. We have seen it illustrated only too well if we have given heed to the testimony of history.

"If history can tell us little of the past and nothing of the future," says Froude, "why waste our time over so barren a study? History is a voice forever sounding

across the centuries the laws of right and wrong, *Right,* the sacrifice of self to good; Wrong, the sacrifice of good to self. . . . Justice and truth alone endure and live. Injustice and falsehood may be long lived, but Doomsday comes at last to them in French Revolutions and other terrible ways."

If we study carefully those movements of thought underneath the growth of nationalism in the United States we shall find, although it has been for the most part unrecognized, that it has been fostered by a sense of the inadequacy of anarchy as a theory of government, and by the conviction that the centripetal force of society, that which holds it together, that which gives it unity, is good will, not hatred. Good will must be the basis of true democracy. The basis of the democracy of individualism is the principle of strife. If this then be democracy; if democracy is essentially strife, and if its direction is toward and not away from individualism, by all means let us have something other than democracy, for there is no ethical meaning in any theory of inorganic juxtaposition of unrelated competing political units. If there is to be a realignment of parties on a philosophical, which is to say a rational, basis, it will be somewhere along this line. To the democracy of individualism which is the party of the past will gravitate every vested privilege, every sacred graft, every holy vehicle of plunder, every sainted boss—the entire system revolving around the central sphere of selfish clamoring for liberty and rights; i. e., immunity. To the party of the future to which our young men are already coming, those also will come who believe in the state as some-

thing better than an instrument to serve the stronger individualistic interest; who conceive of the nation as an entity toward which we must discharge our duties if we claim our rights; who will try to substitute for that ugly, greedy cash gourmandism which forms the nexus of our present predatory society, the kindlier, saner element of good will. We have progressed far enough in this direction, so that few of us, like the Shah of Persia at the Prince of Wales's dinner, would be so enamored of cucumbers that we would empty the whole dish in our shirt bosom, and yet we will do it with dollars in the office and on the street. The principle has been established in polite society that we need neither hurry nor gorge at the table of a friend, for the pantry is full—but—"business is business," though it be neither moral, nor honorable, nor decent, nor civilized.

Since Epicurus the ethical system of individualism has been pretty clearly stated by philosophers and pretty clearly worked out in modern history; and the ethics of individualism offers an inadequate foundation for a rational and social state. By this time we know both its motive and its program. We know its results.

Stated with brevity and completeness, its motive is self-interest.

Its program is self-aggrandizement.

Its result is anarchy.

If certain of those who have called themselves individualists have labored for the welfare of mankind (and there have been large numbers), it has been only when they have forsaken the motives of their creed and have transgressed the confines of altruism; for individ-

ualism is the system "which makes self-gratification or pleasure the sole object of choice" and defines morality as "the intelligent pursuit of that which instinct compels us to pursue."

The universal cry of individualism is for the liberty of the individual "so far as it does not encroach upon the like liberty of his fellows." That sounds fair. But I for one have not the least idea of just exactly what it means. It is one of those dangerous phrases which have served long apprenticeship as onomatopœian catch-words. It seems to have some of the magic consolation of the word Mesopotamia; but as to this concrete matter of actually encroaching upon a like liberty of one's fellows! Here is the crux. We are assuming (if we are individualists) that if we have our liberty we will not encroach upon the liberty of our fellows. In the multiplicity of human relations this opens up infinities in the universe innumerable. A very desirable status, truly, if every individualist enjoys his liberty excepting in so far as it may encroach on the like liberty of his fellows. But I am not quite sure that I have ever read in history any such status actualized in human society. A pretty millennial dream, truly! But I am not quite sure, as I look out upon the weltering throat-cutting race of men, that that millennial dawn is likely to be realized until after I have been an angel for a million years. Have we besotted ourselves in the fancy that the world is Christian and that the inhabitants thereof will act up to the golden rule and that no one will voluntarily encroach upon a "like liberty" of his fellow even though he has the power? Even though he has the power!

The more cunning have the power. Those who have the tools have the power. Those who have the knife by the handle have the power. Those who know the game have the power. What about the others? The weak, the innocent, the ignorant! What of those who hold the knife by the blade? Are we to assume equality? Then we assume a lie. It is the plainest kind of a sham and humbug, this pretension of equality, for there is no equality. Until we are all equal we cannot compete on equal terms. Free competition is the competition of equals, if it is fair competition. Therefore, there is no fair free competition—no fair free trade. Therefore we need a state. Therefore the state must draw its lines and say, "Thus far and no further." The state must interfere and it is the state which must say, "Thou shalt not encroach upon a like liberty of their fellows." This is the individualist state at its best.

The democracy of nationalism means more. It differs from the democracy of individualism in that it includes duties as well as rights. It includes more—the power and dignity and ethical mission of the state as something more than a business proposition. The democracy of individualism a hundred years ago, as well as to-day, considered "enlightened self-interest" a sufficient precipitant of economic order and a sufficient account of political good. Its point of view can be summed up in the words of Wordsworth, who hit it off in "Rob Roy's Grave":

> The good old rule, the simple plan,
> That they should take who have the power,
> And they should keep who can.

And the point of view was clearly shown in the astonished remark of the fourth Duke of Newcastle in the House of Lords, December 3, 1830, "May I not do what I like with my own?"

The spirit which inspires the democracy of nationalism should be more like that of the gifted sage of the Greeks. When Socrates was implored by friends to escape from prison he replied, "I have no rights contrary to Athens and her laws," and then he drank the hemlock.

While nationality has at all times had a profound influence upon the political affairs of men, the idea may be said to be in a renewed sense a re-creation of the nineteenth century. The century of revolution preceded that of nation-making because the era of individualism preceded that of organization and socialization. The fearful lessons of revolution have taught the world that liberty is not freedom, that there is no freedom without law and order, that there is no law and order without sovereignty, no sovereignty without cohesiveness—organization, socialization; no socialization without common institutions, common interests, a common life, the binding idea of which is good will, not enmity, the result of which is harmony, not strife. In this common life lies nationality.

We have too often lost sight of the real logical bearing of the two old Roman conceptions *res publica* and *salus publica*. The former connotes the common interest and the common life. The latter, which is based on the other, refers to the common good. The two in covering the common relations and conditions of the common life

for the end of the common good cover pretty well the ground of nationality.

Salus populi suprema lex esto! A constitution is ordained "to promote the general welfare."[1]

Professor Guyot has offered a suggestive observation (Earth and Man, p. 83). He states that in every order of existence he finds three successive states identically repeated; "a chaos when all is confounded together; a development where all is separating; a unity where all is binding itself together and organizing."

The modern era of reformation and revolution is one in which a disintegrating philosophy is breaking up the chaos of Feudal and Catholic Europe. Already now the forces of organization are at work toward a new unity. This unity will be that of a rational and orderly system instead of that of a disintegrating and chaotic mass. Out of the old chaos the outlines of the great ideas underlying the unity of the future are beginning to appear. The better elements of human intelligence are already turning away from the gospel of helter-skelter, and are work-

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[1] NOTE 1.—"In all nations of a manly spirit," says Bluntschli (Theory of State, p. 290), "there are thousands of men who, when the state is in danger or need, will undertake heavy burdens and will endanger both the peace of their families and their own lives. This spirit of self-sacrifice can only be explained on the supposition that these men prefer the safety and welfare of their state and nation to their own. The deeds of ancient heroes would be the folly of idle fanaticism if the state were only a means of serving individual interests, if the collective life of the nation had not a higher value than the life of many individuals. In the great dangers and crises of the national life it becomes clear to men that the state is something better and higher than a mutual assurance society."

ing out the idea of organization and scientific government toward the socialization of humanity and the betterment of the conditions of humanity. "As Progress," says Mazzini, "is the great intellectual discovery of the modern world, so association is its new-found instrument."

Louis Blanc says almost the same thing in another way in the opening of the Design and Plans of his History of the French Revolution: "Three great principles divide the world and history among themselves: Authority—Individualism—Fraternity. . . . The principle of individualism is that which, taking man out of society, renders him the sole judge of that which surrounds him and of himself, gives him an exalted sentiment of his rights without pointing out to him his duties, abandons him to his own strength, and, for government, proclaims the let-alone system. The principle of fraternity is that which, regarding the members of the great family as homogeneous, tends one day to organize societies, the work of man, upon the model of the human body, the work of God. . . . Of those three principles, the first engenders oppression by stifling personality; the second leads to oppression through anarchy; the third alone, by means of harmony, gives birth to liberty."

"'Liberty!' said Luther; 'liberty!' repeated in chorus the philosophers of the eighteenth century; and it is a word, liberty, which in our day is written on the banners of civilization. It has been misunderstood and falsified, and since Luther this misunderstanding, this falsehood have filled history; *it was individualism which happened, not liberty.*"

It would seem that world politics is following the di-

rection suggested by Guyot from one unity through disintegration to another unity—or, perhaps, rather from uniformity to unity. Perhaps it could be stated more correctly by saying that through the disintegration of individualism, political society is being prepared for transformation from a mechanical uniformity to a rational and organic unity.

The thing to be remembered is this, so far as this study is concerned, that the ideas of disintegration are not and cannot be the basis of a permanent and constructive politics; that the vehicle of transition from one age to another and a different age cannot offer the permanent foundations of a rational state.

In looking forward toward unity in society, or toward "that more perfect union" in our national politics, we must not confuse unity with uniformity nor trust too much in unity *per se*. We must beware of phrases as of shibboleths. For example, a recent writer (W. E. Smyth, Constructive Democracy) quotes, approving the words of Mr. B. Fay Mills: "Whatever tends toward unity is true; whatever tends toward diversity is false. Whatever tends toward harmony is right; whatever tends toward discord is wrong."

These words offer an excellent example of an exquisitely misleading uncritical statement of a half truth. The half truth ignores the only truth the individualist admits. The statement ignores the existence of a unity which is false, a diversity which is true. It is here the socialist misses his trail. He does not recognize a proper sphere of individual liberty—initiative—effort. The individualist, on the other hand, denies the conscious and

orderly movement of the human monad from the standpoint of the social center—the social reason and will. There is truth in both. One cannot exclude or vitiate the other. For instance, I must recognize the validity of the earth's movement on its axis as well as its movement around the sun.

There is a sphere in which, as it were, the individual must turn on his own axis. There is another in which he swings with reference to a universal outside scheme as he spins through space. Socialism would seem to hold for a harmony of dependence—the individualist for independence. But there is a harmony—the true one—interdependence, which gives stability to the solar system —safety to the stars above us as well as to us midgets below. This is what our dual system means.

To say that "whatever tends toward unity is true," etc., is to say "I believe in peace at any price." But there is a harmony which is the type of death. There is a diversity which is the very condition of life. Some one once recognized the core of what I am contending for when he said, "I am for peace at any price—even at the cost of war."

The half truth is what the individualist found in the eighteenth century and it made him a revolutionist. He forgot that war is not the normal state of mankind. Indeed, he declared that a state of war is the normal state of mankind. Free trade, *laissez faire*—unrestricted competition—these were some of the watchwords of the gospel of strife. Later on, he took on a new conception with new watchwords which he called the "struggle for existence" and the "survival of the fittest."

He might have said, "Whatever tends toward discord is right. Whatever tends toward harmony is wrong."

The other half truth is what the socialist, in his reaction from the other creed, is proclaiming toward a human state, undiversified and harmonious, perhaps, but dead—as the Dead Sea. But the evolutionist will tell us that humanity's healthiest and best lies somewhere between unity and diversity—or rather—much rather—includes both—something neither eternal struggle nor eternal peace; neither never-ending storm nor calm. The diurnal and annual motion of the earth are both necessary in the economy of the universe.

And so the perfect state is made up of those individuals whose right is guaranteed to both individual initiative and social well-being. The perfect state will provide for the more perfect development of the individuality of man through and in harmony with the growth of his social self.

There is a very fine passage in one of the most interesting books published in this generation, namely, the Posthumous Lectures and Essays on Natural Theology and Ethics by the late Professor William Wallace of Oxford:

> Man has become more and more convinced that the Divine must dwell among us, that it must be realized on earth as in Heaven, and realized not in the heart merely, but in tangible and visible forms. Or, to put it more definitely, the enthusiast whose glance passes through the dividing shams to the underlying unity is not content to build that long lost heritage of humanity in the spirit only; he will not tamely submit to the actual fragmentariness of life, content, if so be he can still enjoy the comforting sense of its ideal wholeness. He protests against the breaking up into

fractions of casual, unsystematic, inharmonious character of the minor groupings, which actually prevail; he shows how they are not duly dovetailed into each other, and that they do not tend to converge and form a collective universe of life; he condemns the inequalities which by slow accumulations have shut many men out of the common sunlight of humanity and forced them either to cower despairingly under falling hovels or to entrench themselves defiantly in palatial prisons. He demands that the social basis of human life and action shall be realized, not as a mere general supervision and police of occasional interference, not as a system of laws which, when definite acts against the common weal have been traced to their author, shall restore the balance and *status quo ante,* but realized as a reasonable organization which watches so carefully, so closely, so wisely, that every part of the social machine shall never fail to keep in mind its social duty, that no part shall be other than an individualized organ or missionary of the whole, that no stagnation, no block, no purely special or local movement shall arise to mar the uniformity of action.

But to have a state like this it must be based on something wholly dissimilar and antagonistic to individualism. There can be no ethical politics without a state framed in the interest of the public good. There can be no political recognition of the public good without a theory of life which offers also a theory of the "public" as something other than a mass of unrelated atoms.

What one wants is that conservative middle ground which will insure the full and free development of both social and individual self, if there is a distinction between them. "Sacred to us is the individual," says Mazzini. "Sacred is society. We do not mean to destroy the former for the latter and found a collective tyranny, nor do we mean to admit the rights of the individual independently of society and consign ourselves to perpetual anarchy. We want to balance the operations of liberty and association in a noble harmony." "What we want, what the people want, what the age is crying for, that it

may find an issue from this slough of selfishness and doubt and negation, is a faith, a faith in which our souls may cease to err in search of individual ends, may march together in the knowledge of one origin, one law, one goal."

The Democracy of Nationalism involves elements unrecognized by the Democracy of Individualism. It involves certain fundamental relationships which are ethical—framed in the forms of its institutions for the common good. This constitutes Nationalism. If power and administration are kept close to the people they are democratic. Corporate self-government for the corporate good as opposed to political *laissez faire* is something like the Democracy of Nationalism. This form of a state is something new in the world. Democracy has always been the political aspect of individualism. It has been anarchic. The spirit of it is what Diderot called the spirit of the eighteenth century—liberty. But then that was only one conception of liberty—license—and this was what Louis Blanc said it was: "It was individualism which happened, not liberty."

But the state must not stop here. It is quite impossible for one to say off-hand what are the "duties" of a state, but that the state is founded on principles which make duties necessary is unquestioned, for the state has obligations as well as rights. The state is the *institutionalization* of the *common reason* and *life* for the *common good.*

Thus prayed Cleanthes, the Stoic: "Lead thou me, Zeus, and thou world's Law whithersoever I am appointed to go; for I will follow unreluctant."

This is a standpoint lofty enough for world politics or world religion.

One turns to the insignificant individualist with sorrow.

> Thou art sick of self-love, Malvolio,
> And taste with a distempered appetite.

There is a better standpoint for one who is not afraid to look life and destiny in the face, who wants to know the dignity of man, and that is the standpoint which Professor Caird used so often in his Oxford lectures: *"Sub specie æternitatis."*

BOOK III
THE DEMOCRACY OF NATIONALISM

CHAPTER I

THE OLD ISSUE

For the first time since the Civil War, and for the third time in the history of the Republic, a fundamental idea has raised itself to the surface of our paltry political life to remind us that after all there is something besides individual interests in American Politics.

It is the same principle in all three instances—involving the same struggle—the principle of nationalism protesting against that of particularism, law and order opposing the abuses of anarchy and inefficiency in our national affairs. Once more we are back on fundamental ground. Once more the issue is raised between state and nation—whether the part is greater than the whole. Two recent movements, the anti-Trust and Conservation movements, have disclosed the fact that there are certain large and important areas for which there is no law; over which there is no sovereignty. The self-constituted and self-perpetuating institution of financial privilege enthroned in Wall Street, with an unpardonable rapacity and with unprecedented insolence, has bulwarked its pretensions in the old claims of state sovereignty. The rise of interstate corporations incorporated within and responsible to a single state; the impossibility of one state to catch, punish or control the financial law breaker with another state boundary so near; the absorption by these corporations of so vast an area of the national resources and the national domain, without recourse or

possibility of punishment, has raised a problem of immediate vital moment to the American people.

To use a legal paradox, we have discovered a vast area of crime over which there is no law—the interstices, as it were, between the states.

The first question as to this area of anarchy is under whose sovereignty does it lie, that of state or nation?

It is on exactly this ground that we must fight out the whole progressive movement.

If it is to be left to the state it will be found that in a sense it does not fall within the states but between the states; therefore by the states the question will never be solved at all.

Shall the nation then or shall it not under the Constitution annex those areas of anarchy between state and state, and between state and nation over which there is now no sovereignty at all? Where shall we look for sovereignty where now no sovereignty exists?

The question is not one as to where lies absolute sovereignty. This does not exist in America. The individual *qua* individual has his inviolable rights and responsibilities. As a member of a municipality he has others. As a citizen of a state he has others still. In those relations in which he is bound to a life larger than town, county or state he is and must be held amenable to a national fundamental and sovereign law on the simple theory that we are a nation and not a bunch of states.

There is a party of reaction which has decreed that there shall be no further development of the Constitution of the United States. It is the party which almost prevented the founding of the nation, and failing, sought to

destroy it; who still want to return to the principles of '76 and deny the principles of '87. Under the pleasing fiction of "strict construction of delegated powers" they would destroy the fundamental principles of democratic government, viz., *direct representation by the people,* re-establish the principle of the Confederation, viz., representation through forty-eight distinct and separate sovereignties, called states. They would have us believe that our fundamental law is an imperfect and inadequate national instrument closed and sealed when the fountains of inspiration were dried up over a hundred years ago.

Was it not Comte who declared if God was nearer the world in ages past than He is to-day, He is not the God of the Future? And can we not say if the people were sovereign a hundred years ago, and are not sovereign to-day, we shall be slaves to-morrow?

The State Right idea is that the Constitution is an instrument possessing only such powers as have been surrendered by thirteen or by forty-eight states to meet the requirements of the eighteenth century ideals; and that these powers are only such as are enumerated specifically and construed literally, even though they be inadequate to meet the necessities of our present national organization, to say nothing of those unknown issues which lie hidden away in a destiny unrevealed. Their contention is that all our new problems must be met piecemeal and solved in fractions.

It lay beyond the range of any human foresight less than omniscient for the framers of the Constitution to make provision for such new problems as have presented themselves to this more complex age, to say nothing of

those which still lie undeveloped, and even unguessed, in future times. It was quite impossible for them to see, for example, the growth of modern corporations and trusts and to make constitutional provision for their control. They make no allowance for future annexation of territory or for any kind of public improvement. No specific powers were given to Congress to deal with these or any such questions. How could the framers of the Constitution, who never saw a railroad, a steamboat, a telegraph, a telephone, an air ship, a steel warship, or a machine gun, frame an unalterable, inflexible, and adamantine instrument as efficient for the expansions and complexities of coming centuries as for their own simple bucolic world? It is beginning to seem necessary to some of us that in building for a far away future, if our forefathers have not made provision for the development of such an organism as may survive the tests of experience, that it is quite time we were doing the thing ourselves. It has been borne in upon us pretty clearly not only that there are concerns which affect all Americans and which are national concerns, but that they are outside the reach of the states; and even if they are not they cannot be successfully treated piecemeal as, for example, from forty-eight points of view, and each point of view necessarily different from all the others.

The impossibility of ever getting forty-eight different legislatures to deal unanimously and simultaneously with common vital national concerns has brought the American people to face the necessity of enlarging the sphere of nationality as a measure of self-defense.

How are we and how are future generations to deal

with national problems, needs, necessities, not specifically provided for in the Constitution of the United States?

I am not raising the question of local problems, but of those which are national or lie outside the boundaries of the interests of a single state.

The whole question was raised definitely at the White House Conference of Governors in 1908. Mr. W. J. Bryan is reported to have said, "There is no twilight zone between the state and nation in which exploiting interests can take refuge from both." Instead, he fills this "twilight zone" with too rosy coruscations of his own amiable and optimistic temperament.

As to this neutral zone (which is a term, by the way, I like better than twilight zone), with which earnest administrators have had so much trouble of late, and where their search parties have discovered so many foul-smelling lairs of pillage and immunity, there are many who declare with Mr. Bryan that here we need no constitution; because some day it will be governed in forty-eight sections by a fragmentary altruism and fractional patriotism. "Earnest men," continues Mr. Bryan, "with an unselfish purpose and controlled only for the public good will be able to agree upon legislation which will not only preserve for the future the inheritance which we have received from a bountiful Providence, but preserve it in such a way as to avoid the dangers of centralization"—just as we have been doing, perhaps, in the dispersion of ninety per cent of the entire wealth of the United States among a hundred men known as Wall Street.

"I am jealous of any encroachment upon the rights of

the state, believing that the states are indestructible as the Union is indissoluble."

For my part, I believe it to be sounder democracy to be jealous of any encroachment upon the rights of man before the rights of the state, and that it is not a question as to the states being indestructible or the Union indissoluble; it is a question of finding a sovereign for anarchy. It is a question of bringing justice to national and colossal offenders whom the states do not and cannot reach. Mr. Bryan's vague and sonorous phrases mean nothing under analysis but a reaffirmation of *laissez faire* and chance and drift, a denial of reason and foresight, that what a few of the best minds have been trying to accomplish for a century and a quarter will some day happen by itself and all of a heap—when forty-eight coördinated state legislatures of "earnest men with an unselfish purpose and controlled only for the public good" will contemporaneously and simultaneously get together and "agree upon legislation" which will "preserve for the future the inheritance we have received from a bountiful Providence." When forty-eight popular majorities agree upon one method of preserving the inheritance we have received from a bountiful Providence, we may believe that the sky will fall and that we shall all catch larks.

When an individualist like Mr. Bryan protests against centralization in this sense he is protesting against organization. Such a protest tacitly admits that some one has neglected to show him the difference between centralization and organization; and, furthermore, that he is oblivious to the one and only danger of centralization

in this country at this time and that is the centralization of capital, which is the direct and net result of the democracy of individualism; the outcome of a competition so free and untrammeled by national oversight and restraint as to have resulted in less than .0006 of our population owning 25 per cent of our national domain and one citizen owning one eleventh of the nation.

There are many views as to how and when we became a nation. The Constitutional Convention did not—could not—declare for nationality. The view of such a man as President Walker is not convincing that it all came about within the first three or four decades of our history; nor is the purely legal one of Story and Webster and Curtis; nor is that later view which dates nationality from the Civil War.

The nation is still in the making. The fundamental question of nationality seems to be still an issue. We have not achieved our nationality so long as there are national injustices and outrages and indecencies unpunishable; so long as there are usurpations and exploitations immune; so long as there are offenses which are not named as crimes only because there is no sovereignty to raise over them the ægis of the law. We have not worked out our nationality so long as there is any national interest over which the national, fundamental law is not supreme. Therefore, I maintain, that the adoption of a constitution can be considered as no more than the beginning of a nation. It did not create a completed nation.

The literal text of the Constitution, which one of the

framers said at the time of its adoption, no one expected would be held for a hundred years, was a compromise with the advocates of individualism, state rights, and the Articles of Confederation. This is not the Constitution of the United States to-day. No one will pretend that anything connected with an institution is the same to-day as it was a hundred and twenty-five years ago. The adoption of the Constitution was the beginning. We have been adopting and *adapting* ever since.

Who has the hardihood to claim the Constitution of 1911 is the same as the Constitution of 1787? If it is not the same why has it been changed? And how has it been changed? Why, indeed, if not to meet the intelligent demands of an intelligent people expanding to a larger life, meeting new problems and crises arising from new conditions? Is not the incongruity of the position apparent even to a strict constructionist who adheres to the letter of the dead instead of the spirit of the living, while his master, Jefferson, the chief of all strict constructionists, advocated a brand new constitution every nineteen years? Not the loosest constructionist would to-day dare advocate so radical a policy as Jefferson's (unless he were a strict constructionist and individualist—that is to say, one who has no political principle regulating what he thinks and says and does).

Our fundamental law is in evolution. Indeed, every living thing is in evolution. Therefore, nationality is still incomplete. It is not a question of what the text of the Constitution explicitly declares. It is not a question as to whether the states were sovereign or not. The

time has come when we must take a larger view of ourselves and a broader interpretation of our nationality.

Either the Constitution is a fixed and limited instrument, incapable of expansion or growth, or it is a living, growing instrument of a living, growing nation. If it is the former, another half century will find us with the most inadequate constitution in the civilized world. If it is otherwise, America may achieve its manifest destiny and future centuries will remain unshackled to an age which did not dare proclaim nationality in the new constitution; an age which nearly lost its constitution over such trivial pretexts as conflict of interests between the oystermen of Maryland and Virginia. The only adequate theory of our national government is that it began in the adoption of the Constitution which it was impossible to frame at one time for all time; to meet the new problems of the new ages which lay out before a nation just beginning to be, and already destined to be great. The population of the whole nation then was not as large as that now of Greater New York. None of the revolutions had been wrought which were about to transform the world in that scientific century which in the material welfare of man was to accomplish far more than had all the ages since Lot's wife got out of Sodom.

If the fathers had a right to question their institutions, we have a right to question ours. If they had a right to protest against the anarchy of State Rights and repudiate the Articles of Confederation, we have a right to protest against the anarchy of modern times and construe a constitution—or make one—which is large enough for the needs of a hundred million people. We have the

right to construe our fundamental law on established and accepted principles of construction, to suit the peremptory necessities of a growing nation. The Constitution of the United States is a document no more sacred to-day than were the Articles of Confederation before it; except as the former instrument better serves the welfare of the American people. The Constitution was not made as an idol. It is not something to be worshipped in and of itself. It is an instrument to "promote the general welfare." Some of us have forgotten this. We have rested our case with the "fathers"—what they taught—what they wrought. Their children who have grown gray—and theirs who are growing gray—these do not count. Those who have taken this view conceive a nation as a mechanism, not an organism of which no provision can be made for growth.

By the way of parenthesis, it may be said here, that one of the most undemocratic of modern tendencies is the disposition of our people to assail those who have dared to criticize the Supreme Court of the United States. There seems to be an unwritten law of *lèse-majesté*. It has been supposed hitherto that our Government, like all Gaul and some other trinities, is divided into three parts, the Legislative, Executive, and Judiciary, but some would add—"the greatest of these" is the Judiciary. We might admit that. But when the people assail the President and Congress—even the Speaker—the way they do without recourse; now and then, when some one dares to question the judiciary, he is belabored to the land's ends, it is quite the moment for asking a serious question or two. Nothing that I know underneath the throne of God is

immune from honest criticism. Some have even dared that. They have criticized the Bible out of our educational system—they have criticized the Church to the background—everything has had its whirl in the crucible but the throne of heaven and the Supreme Court—a fruitful thought when you know one may be occupied by Almighty God and the other by a corporation lawyer. Nevertheless, our Supreme Court is the best thing in America. Even then, when any human institution becomes too holy to be criticized, it is time for that institution to be abolished as dangerous to the liberties of the people.

We are only a century old. How trite but how true that this is but a moment in the æons the North American Continent is to play in the history of the human race. From Washington to Taft—the span of two fingers out of infinite reaches of time! Who would mold gyves for the expounding future? We are not what we were when Columbus discovered America—when the English fought the French—when the Colonials fought the English—when Americans fought each other. We are what we are this and no other day. We cannot shackle the wrists of posterity nor shall our ancestors shackle ours. Our nation is not a machine. It is a growing organism. This growing organism is the ultimate factor, not the instrument of its welfare. This instrument must be an elastic instrument, or, like Goethe's vase, it will be broken by the acorn planted in it.

CHAPTER II

NATIONALITY AND THE PUBLIC DOMAIN

One of the most important departures from the particularism of the fathers was that when the question was raised by Maryland of a national domain outside the jurisdiction of the state and under that of Congress. The importance of this was not realized at the time, but it was a revolutionary principle. Maryland asked Congress to determine the western boundaries of such states as claimed to extend to the Mississippi or the South Sea. Some of the states, like Virginia, claimed enormous areas lying west of them and more or less indeterminate. Maryland had no such area.

Gradually there grew to be a district, which had been ceded by the states to the National Government. This became a national domain. Not only that but it became a national domain out of which states might be made. It was actually proposed to create new states out of this national domain. Not only this but it was proposed that the National Government create these states. Not only this, but the National Government, which owned a national domain, actually created states out of this domain.

The acquisition of Louisiana was a revolutionary procedure undertaken by men fresh from the throes of revolution. The United States had a Constitution and was governed by men who never ceased their protestations of adhesion to the principle of a strict construction

thereof. Let, however, the exigency be of sufficient importance, let the need be sufficiently great, let the dominant party sufficiently desire it, and the Constitution must be construed to be equal to the exigency and need. So it was.

After the purchase of Louisiana, there was an era of commercial and political good feeling during which the coonskin cap brigade was pouring over the Alleghanies and settling the Far West between the mountains and the Mississippi. This great "unconstitutional" act of Jefferson's was a brilliant stroke of constructive statecraft, but which, by the way, was not his at all, but the act of Livingstone and Monroe.

It may be doubted if Jefferson ever had a purpose or a hope toward the acquisition of Louisiana until the act was done. His threatening letter to Napoleon, which certainly had some influence, was for the purpose of keeping Louisiana in the hands of the weaker power. The episode is interesting. As Hosmer remarks, "When Bonaparte was the one to be frightened and Talleyrand the one to be hoodwinked, the *'naïveté'* of the proceeding becomes rather ludicrous."

When all the nation but New England had acquiesced in the act of the Republican non-Democratic Administration in acquiring Louisiana, her representatives argued against it and threw themselves across the path of national progress in much the same way that the State Rights party has done to this day. If the strict construction party in power, which was defending an act under their theory as unconstitutional, had followed the lead of the liberal constructionists, who were combating their

own theories simply because they had become the policies of the opposing party; and if the contention of Federal New England had prevailed that the treaty-making power does not extend to incorporating a foreign people or a foreign soil; and that the words "new states may be admitted by Congress into the Union" meant only such states as were carved out of the territory of the United States at the time the Union was founded, it would have meant that we had a Constitution which had forever fixed our territorial boundaries, and that we could never have had another foot of territory under the existing Constitution.

It was a case of construction by the Executive and ratification by the people's representatives and by themselves—with the exception of New England.

The case of the State Right survivals who would keep the Constitution within the iron bands of the letter and not the spirit of the fundamental law to-day is very much the same old issue, the same old spirit, the same old story. But as then, the expanding nation is answering its own questions by continuing to grow. When these questions are no longer met by the spirit of nationality it will be when and because we have ceased to grow. If the Jeffersonians could justify their action in 1803 on the ground of "sovereign right" and for the promotion of the general welfare, why cannot we to-day?

All the feeble echoes of tearing the Constitution to tatters—all the animadversions on Jefferson, who was declared by New England to be administering a despotism in the shoes of Carlos IV—with a passion, too, that got New England ready for secession—is a familiar clap-

trap to-day which imposes on no historian and no scholar, but is still efficient with the masses possessed of the Jacobin mind.

Had the New England State Right Federalists had their way in Jefferson's administration, with the armies of France in Hayti and Mexico, this might have been a French Continent ere this. If the stricter theory must be maintained and if we have a Constitution which leaves the national government powerless in national problems undreamed of by the founders, and if those new and unexpected national problems must be solved in fractions by states, and piecemeal by forty-eight legislatures, then, indeed, we have not the constitutional liberty of which we boasted, but are saddled with an "old man of the sea," and face an intolerable situation created by a monstrous blunder, which no growing nation can survive.

Every party, and one might almost say every American politician, has been both nationalist and broad constructionist when it has suited his policies or purposes. No President has been more revolutionary than was Jefferson in deliberately performing an unconstitutional act; i. e., from the point of view he had always held and then held and admitted that he held. But the country wanted Louisiana—constitution or no constitution—and Jefferson bought it—constitution or no constitution.

As a matter of fact, the Administrative, the Legislative, and the Judiciary of this government have all had a hand in the expansion of the meaning of the Constitution and the powers of nationality, and their acts have been acquiesced in by the whole American people, who

can make and unmake governments—and construe constitutions—and no one can question their right to do so without throwing doubt upon the validity of much of the most substantial and vital progress we have ever made in nationality.

There has never been any usurpation of authority or "abuse" of power exercised by any Executive, or indeed by any branch of government, in the history of the United States which was legally so unwarranted, reckless, irresponsible, gratuitous, and revolutionary as that of Jefferson in more than doubling the area of the nation at one stroke of the pen and taking it and its inhabitants, without the consent of the governed, into the United States forever.

God bless him for it.

Why this reckless dictator has not been held up to the execration of the particularist disciples of the Jeffersonian democracy of individualism may be accounted for in the fact that he was, here at least, a statesman before he was a lawyer, a patriot before a pedant.

What he was, so may others be after him, without blame.

The Louisiana purchase was revolutionary in more senses than one. Not only did it open a new future for the nation, but it brought up the whole question of the public domain in such a way as to change forever the question of state sovereignty by changing radically the conditions upon which states might be admitted into the Union, and by changing, fundamentally, the powers of states so admitted.

By an act of self-acknowledged imperialism Jefferson had bought an empire more than 55,000 square miles larger than the whole territory of the United States. This was added to that Western territory which had been ceded by the states and had become a part of the public domain. Here was over one half of the national area which never had belonged to the thirteen original states. There was no question here of prior state sovereignty, for over half the nation now had been neither state nor sovereign. It was plain, raw, wild land—883,072 square miles of it. It had been a struggling dependency of Spain and France. France sold it. It now belonged to the American nation —was a part of the national domain as the territory ceded by the states was a part of the public domain—out of which new states might be and were created. Later, other territory was added to this. Out of this great Western area thirty-five states have been formed—creatures of a national government which was made by the people of thirteen other states.

When it is solemnly proclaimed that the powers of the national government exercising jurisdiction over forty-eight states were delegated by the states, I ask by *what* states? The vaguest dreamer hardly dare affirm that constitutional powers have been delegated to the national government by the thirty-five creations of that same national government. How does the relation of the thirty-five states, formed since the adoption of the national Constitution, differ from that of the thirteen states which existed before that national government was formed? Certainly the thirty-five states are creatures of the national government. Certainly the thirteen states

are not. Wherefore this gulf fixed within our body politic—this irreconcilable and monstrous theoretical anomaly?

We see that Congress could and actually did carve new states out of this domain, and set them up to arrogate to themselves all the pretensions of sovereign statehood, claiming equal power and jurisdiction with the thirteen original states, flouting the sovereignty of the parent nation which created them and made them states.

The fact that the National Government created new states out of a domain of its own, part of which never had been under the jurisdiction of the thirteen states—the fact that the National Government could and did bestow all the powers and dignities of statehood upon them, is conclusive proof that the National Government is the sovereign government and the state governments are not, on the simple ground that one state cannot create another state and confer upon it greater powers than itself possesses.

Here emerges a very interesting question. What is the difference between the powers of those states which the National Government created and those which are alleged to have created the National Government? No one would dare assume but that each state of the Union is on the same footing as that of every other state.

Let us see just exactly what this State Right theory means.

It means that thirteen states divided thirteen sovereignties with a nation which they created, with which the future thirty-five states had nothing to do, except that the thirteen sovereignties passed over a frac-

tion of their multiple sovereignty to a national government which they created, which in its turn passed over to thirty-five states which it created the *sovereignty it never possessed.* This half-sovereign of delegated and limited powers delegates unlimited powers to its own creatures.

In other words, we have thirteen fractions of original sovereignties which the original states possessed and thirty-five third-hand sovereignties which nothing and nobody ever possessed.

This theory may pass muster under that theory of democracy holding which some one said—was it Talleyrand? (it sounds like him)—that he had vast respect for the dignity of the people, but very little for their intelligence.

It sometimes simplifies matters for us to find out just what we want to find out. Certainly one of the things we must settle is whether the Constitution has any powers which the thirteen states did not give it, and whether the thirty-five states have any powers the Constitution did not give them. If so, who gave these powers? Perhaps another question equally vital to any clear thinking on this subject is to decide *whether the people of the nation have any powers which the Constitution does not give them.*

For the assertion of the principle that such powers as belong to the Constitution are delegated to the nation by the states I am able to find no authority. It can be found neither in the Constitution, nor in the records of the thirteen popular conventions which ordained the Constitution, nor in the supreme judicial interpretations of the Constitution for over one hundred years.

This state right and strict construction theory lays itself across the pathway of American progress. It may be used, and is generally used by the vested interests and by invested privilege as a bulwark of immunity. It means that if, in the progress of civilization, the increase of wealth and population, new crises, situations, or problems have arisen which have not been foreseen by our forefathers, and are not enumerated in the Constitution, it may and must be used to retard the progress of the nation. Let no progress be made which has not been foreseen and provided for in the Constitution made in the eighteenth century. The twentieth century is shackled to the eighteenth.

The whole thing resolves itself into a point of view. The choice is between the attitude of nationalist and individualist.

The nationalist conceives the Constitution as a set of principles instead of a set of rules.

CHAPTER III

NATIONALITY AND INTERNAL IMPROVEMENTS

It is a far cry from the present conservation movement back to our crass eighteenth century atomism, when Madison, Monroe, and Jackson were vetoing bills to "promote the general welfare" and were splitting hairs over the proposition that it was constitutional to make post roads but not wagon roads. What use had the early particularists, for example, for such a political institution as the Smithsonian Institution, the Congressional Library, the Geological Survey, the Department of Agriculture?

Washington, in his eighth annual message, had asked what institutions could the public purse be devoted to with greater propriety than those for the promotion of agriculture. "Experience has already shown that they are very cheap instruments of immense national benefits."

How different was Jefferson's attitude.

Jefferson, in a letter to Stuart, in 1791, wrote clearly of the need of local self-government, that states were necessary that each might do for itself "what concerns itself directly." He spoke of subdivisions into counties, townships, wards, and farms, and added, "Were we directed from Washington when to sow and when to reap we should soon want bread."

As a matter of fact that which Jefferson had scorned has happened and the farmer is not only directed from Washington as to when to sow and when to reap, but

what, and how, and as to a thousand other things as well which centralized national state interference with the farmer and his methods and crops and products, has made scientists out of hayseeds—who constitute now a dignified profession instead of occupying a position of economic *dernier ressort.*

Could the timid spirits of a hundred years ago have dreamed of such a centralization of the powers of the nation, and of such an enlargement of the areas of its jurisdiction, they would have been frightened out of their senses, and one can even imagine their bones turning over in their graves to-day. And yet the Government still lives and is likely to last some time longer. But the curious part of it is that the State Right party is still alive and the Individualists are crying "No" to every affirmative program proposed by the Constitutional party of the United States.

When we remember how feeble was the national sentiment, confined almost wholly to a few like Washington, Hamilton, Wilson, and Madison in the days before the Convention; and how, to get a Constitution at all, compromises must be made with the Jacobin spirit of the age which was so intensely the spirit of eighteenth century individualism; and how every principle of nationalism was wrested, as it were, from the very large particularist majority, it dawns upon us why we are a people still saturated with ideals of anarchy. Indeed, the wonder is that so much has been gained.

Through the initiative given the cause of a supreme and sovereign national government by the Washington administration the disintegrating and demoralizing forces

of particularism were held back long enough for national institutions to be precipitated, crystallized, and hardened.

Jefferson's administration, and those of his democratic followers for a quarter century, could not undo the work of Washington and Hamilton.

I have often imagined a reversal of the work of the two parties. I have tried to think of Jefferson as the first President of the United States. Eight years of this spirit following the adoption of the Constitution would have made union and democracy forever impossible on this continent. The Constitution would not have survived as long as the Articles of Confederation, and these two Charters of the American Experiment would have found their way to some historic library in Europe belonging to a nation sufficiently consolidated and sufficiently strong to have preyed upon the struggling and jealous and not too noble peoples of thirteen states. The predictions of Europe would have come true.

Some of our early history is instructive and will bear restudy. In the light of what the Government is doing for the people to-day, we seem to be looking into the dark ages when we trace the history of the struggle for internal improvements for over a half century of the reign of particularism. There is immeasurable pathos in the littleness of the democracy of individualism which obstructed and thwarted the national sentiment, fostered the sullen and selfish particularism which broke all bounds in Jackson's slogan, "To the victor belong the spoils"; placed American political life frankly on the individualistic foundations of selfish aggrandizement, from which it is likely never to recover.

The successors of the Federalists made an attempt to remedy the defects laid bare by the War of 1812, which revealed the criminal and insensate inadequacy of means of internal communication and transportation. Better roads and waterways were seen to be desirable in peace and necessary in war. Calhoun joined Clay in advocating a nationalistic interpretation of the Constitution rivaling that of Hamilton. But the ugly spirit of sectionalism was nowhere shown more clearly than in the defeat of Gallatin's scheme (1808) for a system of roads and canals from Maine to Louisiana, involving a national expenditure of $2,000,000 a year for ten years. This would facilitate commerce and immigration and contribute "toward cementing the bonds of union," etc. But a majority did not want the bonds of union cemented, and this and another appeal in 1816 were defeated, notwithstanding the lessons learned in the war. What can be more "edifying" than the legislation for the Cumberland Road? Witness Madison, Monroe, Jackson, Tyler, Polk, Pierce, and Buchanan vetoing the simplest measures of Congress looking toward internal improvement, "seeing," as Madison put it, "that such a power is not given by the Constitution." Monroe enumerates the specific things a nation may do because permitted by a Constitution that nation created, in a message in which foresight is condemned and hindsight is prohibited.

This literalism of strict construction is too feeble for men of thought and action. The Constitution says you may build post roads. But it does not say you may build wagon roads. Therefore the presidents of the democracy of individualism for a half century blocked the prog-

ress of the nation. Do we not know—did not Madison, Monroe, Jackson know—that a wagon road is as much within the purpose of the Constitution as a post road?—that to have enumerated every item, everything a growing nation might do, would be to fill up a national library to the exclusion of better material? This puerile and unstatesmanlike construction of the Constitution, utterly blind to all Marshall was doing to make that Constitution the elastic instrument of a living people, found its logical result in the sterility of democratic legislation and in the final effort of particularism in the sixties to make a real nation forever impossible.

As early as 1775, Washington had projected a scheme for inland navigation to Detroit which had not been absent from his mind since, as a boy surveyor, he had traversed the wilds of Pennsylvania. It was not till he had retired to Mount Vernon after the war that, with Jefferson, he took up the matter which the war had driven from his active attention. He foresaw the future of the country as no other American saw it, and he saw, too, that such a plan would give security to the citizens, increase internal commerce, and cement the bonds of union between the Eastern states and Western territory which some other power might gain possession of by peaceful or warlike means. Washington's unerring judgment showed itself in his voluminous correspondence on this subject, as when he declared that he was looking so far ahead as to facilitate transportation so that a large American population might be already settled in the Mississippi valley before there was "any stir about the navigation of the Mississippi."

But there are a few interesting oases in these arid areas. They may be found in the glaring inconsistencies of the party of strict construction. We soon find this party outdoing Hamiltonian Federalism, taxing whisky and stills, creating a national debt, framing a protective tariff, chartering a national bank, nearly four times as large as that of Hamilton which had met with their violent opposition.

While the Executive and Legislative branches of a strict constructionist government had been stretching the Constitution to suit party and public purposes, the Judiciary was doing the same thing, to Mr. Jefferson's dismay. The Executive (during Jefferson's administration) was easily frightened by this policy when not inaugurated by the Executive itself. But it came his turn to frighten the other two coördinated branches of government afterward. Mr. Madison arose in his wrath and vetoed the presumptions of the national legislative when it essayed to build a few new bridges, fill a few mud holes, and build a wagon road into the new empire being opened west of the Alleghanies.

Madison, in his famous veto message of March 3, 1817, is sufficiently explicit as to his views on the powers of Congress being "specified and enumerated in the eighth section of the first article of the Constitution." Failing to find there the power proposed to be exercised by the bill "for constructing roads and canals," "to give security to internal commerce," "and to render more easy and less expensive the means and provisions for the common defense," he vetoed the bill.

Monroe's papers are much more interesting because

he goes into the subject in a way (and for a way) that would have done justice to a Federalist in his theory of sovereignty.

On May 4, 1822, Monroe vetoed "An act for the preservation and repair of the Cumberland road" "with deep regret." His contention is beyond dispute that "a power to establish turnpikes, with gates and tolls, and to enforce the collection of tolls by penalties, implies a power to adopt and execute a complete system of internal improvement," and would apply as far as to offer at least constitutional ground for Mr. Bryan's scheme for the nationalization of railroads. "A right to legislate for one of these purposes is a right to legislate for others." "It is a complete right of jurisdiction and sovereignty for all the purposes of internal improvement."

It is unquestionably true, as Monroe maintains, that, if even the right of the national government to build a culvert or dig a post hole can be maintained, the jurisdiction and sovereignty of the government is established for all purposes affecting the general welfare. So far the nationalist agrees with Monroe.

Perhaps one of our great difficulties has been the one which so confused Monroe and most of the earlier particularists. In the paper which accompanied his veto message of May 4, 1822, he tells Congress that after "resisting the encroachments of the parent country" the power they tore from the crown "rested exclusively in the people." He speaks further of the "new (thirteen) states, possessing and exercising complete sovereignty." Speaking of the principle of representation he declares that, "It retains the sovereignty in the people." Again

he speaks of the powers of state legislatures and the powers of Congress. *"They rested on the same basis, the people."* Then the Confederation became obviously necessary and it was in operation eight years as a "compact," "all of whose powers were adopted in the Constitution, with important additions" (he neglects to mention the more important subtractions), and argues that "where certain terms are transeferred from one instrument to the other and in the same terms, or terms descriptive of the same powers that it was intended that they should be construed in the same sense in the latter that they were in the former." He is trying to drag the content of the Confederation over into the Constitution. After quoting the thirteen articles, and admitting their utter incompetency (although they, like the Constitution, were to be perpetual), he states that the Constitution was formed by delegates and adopted by conventions of each state, the credit of which (the enlargement of the General Government at the expense of the powers of the states) is due *"to the people of each state"* —he better might have said *to the people of all the states,* "in obedience to whose will and under whose control the state governments acted."

But, as a matter of fact, *not one* of the "state governments acted." In each one of thirteen cases a popular convention acted. Had the state governments acted there would never have been a Constitution like the one we have. Had they acted there would never have been a surrender of sovereignty. State governments would never have consented to the lessening of their own powers, and Monroe is right in ascribing the credit of

this "enlightened patriotism" to the people of the states, who came together professedly not as the people of states, but as people who wanted a nation—not to consider matters of local importance, but of national concern. The state conventions which adopted the Constitution were the local uprisings of a people desiring a nation and a national government, meeting in state conventions because one great popular convention would have involved hardships of transportation greater than those endured by the Sultan of Sulu on his recent visit to the Capital of his country.

Monroe is sound in his contention that "the people, the highest authority known to our system, from whom all our institutions spring and on whom they depend," formed "the Constitution." "Had the people of the several states thought proper to incorporate themselves into one community, under one government, they might have done it." Here he again confuses Confederation and Constitution. He claims that powers transferred from one instrument to the other "should be construed in the same sense" in the one as in the other. This cannot be maintained. Every article of the Confederation must be modified by the statement in Article I that it is a Confederacy, and in Article II that "each state retains its sovereignty," etc., "and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States in Congress assembled"; and Article III, "The said states enter into a league of friendship," etc.

Nothing pertaining to political sovereignty or sanction can mean the same under the limitations of such an

ill-conceived and loosely constituted substitute for a fundamental law, as it must mean under an instrument framed by a people disgusted and afraid of anarchy and inspired by the patriotism of nationality, who have met to abolish the loose-jointed and incompetent compact which is not even adequate for a league of friendship; and to frame the sovereign instrument of a sovereign people and accouch a sovereign nation.

Thus: *"We, the people of the United States . . .* do ordain and establish this Constitution."

Nothing modified by the Preamble of the Constitution of the United States can mean the same as it would restricted by the first three articles of the Confederation.

Monroe held to the Rousseau theory of a social contract, which was hardly questioned in democratic communities in those days—the theory that society was the result of a contract made by a people who never existed. It was easy, therefore, for him to consider the Constitution as the same as the Confederation—a compact. On this rock future generations were to split.

It had not yet dawned upon the age of revolutionary individualism, nor perhaps yet has the conception dawned upon the world, that the birth of a nation was no figure of speech, but that in a real deep sense something organic had come into being. Here lies the impassable gulf between eighteenth and twentieth century thought.

The political anomaly of to-day is the survival of the old ideals and ideas and the failure of their belated devotees to justify them to modern thought; who construe the problems of an organism in the terms of mechanics.

Speaking of the parties to the "compact," Monroe says the people "are the sole parties and may amend it at pleasure." *Why* can they not construe it at pleasure, if it is done by Marshall's rule—not unconstitutionally? If it *is* a compact or a contract, or what not, and if the people are sovereign, why can they not say, "We can amend this Constitution as we please, and we can construe it as we like, and we can dictate the methods of construction and amendment"? We the people! Who are we the people? We the living people or the dead people? Are we forever chained to the corpse of the past or must we think and act for ourselves and for the unborn?

That is a profound observation of Monroe: "There were two separate and independent governments established over our Union, *one for local purposes over each state*, by the people of the state, *the other for national purposes* by the people of the United States." Monroe recognizes no areas of anarchy such as have been developed by the complex conditions of modern national life, over which neither state nor nation exercises supreme authority. "The national government begins where the state government terminates," he says. He does not say the state governments begin where the national government terminates. The state government was established by the people of the state "for local purposes" and the national government was established by the people of the United States *"for national purposes."* "The great office of the Constitution, by incorporating the people of the several states to the extent of its powers (over national purposes) into one community, and ena-

bling it to act directly on the people, was to annul the powers of the state governments to that extent," viz., it keeps the powers of the state government entirely within the scope of "local purposes" which concern the people of that state and that state alone.

"It is owing to the nature of its (the Constitution's) powers and the high source from whence they are derived —the people—that it performs that office better than the Confederation or any league which ever existed, being a compact which the state governments did not form, to which they were not parties and which executes its own powers independently of them."

Monroe then reveals an irreconcilable breach in his argument.

He makes much of the fact that sovereignty was divided into thirteen equal parts by the revolution and distributed among thirteen commonwealths, arguing that they retained all that was not explicitly and concretely given up by these states to the "compact" of Union. His sovereignty of the state cannot be harmonized with the sovereignty of the people with their own dual form of government, the one by the state "for local purposes" and the other by the nation "for national purposes." If the nation was formed by the sovereign people of the nation which was formed to provide a national, fundamental law for "national purposes"; on the ground that the people is the ultimate sovereign, their own fundamental law is sovereign over every national concern and for every national purpose, and Monroe cut the ground from under his own feet in his veto of the bill for the Cumberland road. It follows that the sov-

ereign people of a nation, sovereign for all national purposes, must possess a fundamental law adequate to all national purposes; that it has the right "to establish turnpikes with gates and tolls, etc.," and that if it has these rights it has the right of "jurisdiction and sovereignty for all the purposes of internal improvement."

If this is granted the sovereign nation has the right of jurisdiction over all national concerns. It "begins where the state governments terminate." That is, it begins where "local purposes" end and where "national purposes" begin, and it does not end till "national purposes" end.

The nationalist of the type of Justice Wilson clings steadfastly to the essential principle of home rule for local purposes. The principle is one of the foundation stones of the two great nations of the North American Continent—that of local self-government. No nationalist will deny this. What he denies is that local power is sovereign over national concerns. The point is clearly brought out by the British writer, Oliver, in his work on Hamilton, perhaps the most intelligent piece of writing on American politics published in this generation. He says (p. 190), "Between the fanatics for State Rights, whom we condemn, and the upholders of the dignity and utility of local authorities, whom we have been taught to admire, there is, in fact, only a difference in degree. A commonwealth in which this spirit had ceased to exist might be safely marked as a dying race; but in the view of the statesman it can never be allowed the upper hand. Like the steam in the boiler it serves its purpose by its effort to escape from imprisonment and control; but if

these efforts are successful, there is an end of the utility."

We see in Monroe, up to the point of application of the principle to a policy unpopular with his party, a total agreement with that wisest of nationalists, Justice Wilson, but who was enough of a democrat to advocate the election of both houses of Congress by the people; who, indeed, as has been said, was the first man in American history who believed both in democracy and nationalism.

He kept the distinction clear between a national government, which was supreme in national affairs, giving the states home rule over home affairs, and a national government which would swallow the state government and annihilate the rights of states. As Monroe did after him, he insisted that both national and state governments were derived from the people. "The general government is not an assemblage of states, but of individuals, for certain political purposes—it is not meant for the states, but for the individuals composing them: the *individuals,* therefore, not the *states,* ought to be represented in it." He distinguished sharply between the state and government. Sovereign power is not lodged in the Constitution, but in society—the people. In a nutshell, the state government is supreme for local purposes, and derives its sovereign power from the people. The national government is supreme for national purposes—purposes "to the direction of which no particular state is competent"—and it derives its power from the sovereign people.

The Articles of Confederation were undemocratic in not recognizing this principle—that the source of all

power lies in the people—and it is from the Articles of Confederation we derive that form of State Right sentiment to this day.

So far Monroe holds with Wilson. How then he could veto the Cumberland Road Bill is not easy to understand.

"Whenever an object occurs," said Justice Wilson, *"to the direction of which no particular state is competent, the management of it must of necessity belong to the United States in Congress assembled"* (Works I, 558).

This is a clear statement of the logic of nationality.

CHAPTER IV

BACK TO THE PEOPLE

There is no more striking development of modern political history than in the paradox that Jeffersonian democracy has been the *feste burg* of the instinct of despotism, while the "aristocratic" and monarchic (?) ideas of Washington and of Hamilton have safeguarded the principle of true democracy—government by and of the people.

The pathetic fulfillment of the promises of eighteenth century individualism, which shrieked its paltry lies—"liberty, equality, fraternity"—culminated early in France in the Red Terror and the Rule of Napoleon, while in the United States it found expression in the institution of human slavery, the aristocracy of the South; the doctrines of nullification and the dénouement of Civil War, and just now in the multibillionaire.

A tragic dawn of millennium truly for so brilliant a promise!

But there could have been no other outcome of political atomism, for at bottom the economics of individualism means free competition, where the big eat the little, and to-day we have one man owning or controlling one eleventh of the entire national assets; while in politics it means that might makes right and has crystallized in boss rule.

When the Tories left for Canada, which migration was an irretrievable loss to the new nation, the people

split into two parties over the Constitution. The little states wanted to count for as much as the big states and were for State Rights, state representation, state election of national officers which should represent states, not people; and they declared for state sovereignty and weak national government.

The national party, which would have been largely recruited by those who became the United Empire Loyalists of Canada, and who, had they stayed, would have become loyal Americans (for it was their nature to be loyal), stood for popular elections, proportional representation, a sufficient national government, and the subordination of the parts to the whole. This was the party of real democracy. Not that party hiding behind revolutionary phrases, while gathering to itself the forces which made for nullification, secession, and human slavery—this party of Rousseau and Robespierre, Thomas Jefferson and Jefferson Davis.

One of the vital questions of the early days was that of sources of political power. Whence shall we derive it? The Jeffersonian particularist Jacobin party said, "from the state"—thus saith this party of "liberty, equality, fraternity," this party of "popular sovereignty," this "democracy," owning slaves.

"From the people," said the party of Washington; said the "friends of Monarchy": these aristocrats who would not join France in a war against England out of "gratitude" to the assassins of their allies. "From the people," said the nationalists. "Who shall elect the national officers?" "The states," said the "democrats." "The people," said the "aristocrats." "On what basis?"

"Thirteen to one," quoth the "democrats." "Upon the people of the states in proportion to their number and not the number of the states," said the national party, enfranchising slaves.

Down here in this twentieth century we are wiping away one of the last of the compromises with the aristocratic principle, and we are going to let the people elect the Senate. It is bad enough that the smallest state should furnish as many as the largest. It is a survival of the State Right idea.

These little states then formed an anti-party who opposed the nationalists, declaring preference to submit to foreign power rather than accede to the principle of proportional representation. State jealousy became the stumbling block and was the cause of the survival of the doctrine of state sovereignty. The statesmen of the convention who wanted a Constitution under which government would be really democratic—i. e., kept next to the people; i. e., deriving power directly from them and exercising authority directly over them—were crowded by the little state jealousies into a compromise with the democratic principle. Hence the modern Millionaires' Club on Capitol Hill.

The earlier statesmen of the nation foresaw the dim outlines of how a people devoted to the philosophy of egoism, or "enlightened" self-interest, would work out their destiny on anarchistic lines and without the principle of *national self-control.* They saw that a people to whom their theory of life was justification of their own selfishness would soon evolve a despotism along whatever line their daily life proceeded, simply because *laissez*

faire offers no control of the strong and cunning, and the weak perish and the strong win.

The first phase of this struggle in this country was over this question of representation. On this the little statesmen got together. Their position was prompted by unequal proportions of local jealousy and universal Jacobinism. The statesmen saw that any really democratic institutions must provide for the direct operation of the fundamental law upon the people instead of the state, and that this law must receive its sovereign authority from the people and not from the state. Indeed, had not the old government of the Confederation failed because it operated on states; because it could not punish states; because it derived its scant authority from them? To be sure the demand that the new constitutional government should act upon and proceed direct from the people was revolutionary. But then the late war was none the worse because it had been revolutionary. It must be tried.

Delegated powers meant also delegated representation, and this, at least, must not be handed over again to states. In other words, there could be no adequate democratic government until the barriers were battered down between government and people and people and government. The clumsy and artificial instrument which represented nothing but thirteen units, and represented them to no efficient purpose, and with it the aristocratic principle involved, must give way to a government on democratic foundations directly in touch with every person in the nation. It is a curious fact in the irony of logic, as well as the irony of history, that the aristocratic

principle represented in the aristocratic party of the United States Senate, which represents the states and not the people, should have been a compromise in propitiation of the party of the democracy of individualism.

This undemocratic principle of state representation in place of popular representation was a fatal defect. It was fatal not only because it denied the fundamental principle of democracy, but because it did not contain the principles which were adequate to a national life. For instance, the Congress could make treaties and negotiate loans with foreign Powers, but always with a feeling that thirteen quarreling sovereignties, bound together in a "league of friendship," might find themselves nullifying their action and repudiating their foreign obligations simply because they had come to pulling each others' ears in their equal wisdom and superior authority. The states were under no compulsion whatever to raise money voted by Congress, to perform the part stipulated by Congress, or to abide by the promises of the national legislature. Congress represented the states, but the states flagrantly flouted its plighted faith. Congress might promise to pay, but the states might refuse if it were the sweet will of thirteen jealous sovereignties. The Articles of Confederation were a plaything for children. They embodied the principles of the Declaration of Independence. The instrument was the quintessence of Jeffersonian transcendentalism and the vehicle of anarchy.

The convention was not proposing amendments to confederation, but abolition of the confederation. It offered an entirely new instrument for an entirely new govern-

ment, which must go, and did go, to that source of political power which created every state; the power which had given them the right to enter the compact of confederation, which could abolish that confederation, and which could and did set up a revolutionary government.

Thus the second American revolution was achieved. It was ordained that the Constitution should be the fundamental law of the people of such states as those whose people might adopt it. This was recognition of state sovereignty only so long as such a state might refuse to assent to the Constitution. As a matter of fact, each state was, until such a time, practically a sovereign state, but when the people of that state voted for the fundamental law that status was changed on the ground that in this act the Constitution had the full and direct authority of the people.

It was necessary to establish the principle that final authority rests with the people. If it ever became necessary for the nation to restrain or harmonize the states, under powers which the very theory of nationality demanded, it must be done on the established proposition that the authority of all the people exceeds that of a thirteenth part thereof. There was no room for this proposition under a theory of a mere union of sovereign states. That union had been tried. It had failed to interpret the fundamental idea of democracy established by the Revolution because its remote and feeble powers depended wholly upon thirteen separate pleasures. There were no adequate sanctions. No measure could be executed but with the separate approval of each of the

states. Such a situation was monstrous, and to continue it was folly.

Then it was that the Washingtonian Federalists came forward with the real democratic theory of the state, and it is a matter of surpassing interest to note how the Hamiltonian philosophy saved the Jeffersonian instinct to keep people and government close together.

The Constitution of the United States was a national protest against the anarchy into which the country was drifting. It was enacted to make one nation with a common good out of thirteen nations with uncommon grievances; to harmonize clashing interests and "promote the general welfare." Party lines diverged here and the issues were clean cut.

One after another of the wise men saw the insuperable difficulties in the immediate future, and began to pave the way for a constitutional convention. Webster wrote, in 1785 (Sketches of American Politics), "There must be a supreme power at the head of the Union vested with authority . . . so long as any individual state has power to defeat the measures of the other twelve our pretended Union is but a name and our confederation a cobweb."

Madison wrote (Writings, Hunt's Edition, vol. 2): "An individual independence of the states is utterly irreconcilable with the idea of an aggregate sovereignty."

He proposed a middle ground, "without the intervention of the states" supporting the supremacy of national authority and leaving "in force the local authorities as far as they can be subordinately useful."

There was no thought in his mind, at that time, of their being coördinately useful.

That notion came when he wanted office.

Hamilton called for a federal government adequate to the exigencies of the Union, and Washington declared there must be an indissoluble union of all the states under a single federal government, which must possess the power of enforcing its decrees.

The idea which arose steadily out of the surrounding chaos of individualism, and which began to guide the deliberations of the people, and later of the Constitutional Convention, was that the individuals of the nation, and not thirteen centralized governments, should and must be the constituent elements of any lasting unity. It was felt from the failure of the Confederation, from the impotency of Congress, from the jealousy of the states, from the want of a central government with more power of taxation, from the lack of power in Congress to legislate for the new states to be formed from the Northwestern lands, that the underlying faults of the Confederation were fundamental and that such government as there was was one for states in the capacity of sovereign states and wholly without authority to reach directly the individuals of the nation.

To be sure, Jefferson and a few radical particularists held that the Articles of Confederation could be patched to serve all needs because he wanted no national government other than a department for foreign affairs, and that a cheap one.

But the large majority felt that the Confederation had failed and that their experience had taught them this much,

that so far as national legislative powers were concerned they must be supreme in two fields—where the states are incompetent and where state legislation would interrupt the harmony of the Union. They went further, and unanimously agreed that the Supreme Court, under its powers, could make void such legislation as was contrary to national need or the general powers of the fundamental law. It was clearly seen that this meant nationality; and that the logic of nationality would play havoc with the theory of State Rights; and that when its principle was established and accepted that the supremacy of the Constitution of the United States was that against which no separate state power can be exerted, the doctrine of state sovereignty was finally annihilated.

Yet after this principle was established, and after it was admitted that, should it be established, the State Rights doctrine would be demolished, the supporters of State Rights revived the old issue and have contended for it from that day to this, and, queerly enough, on a theory of strict construction they have been trying to read into the Constitution that which the loosest interpretation could not extract from it. That the majority of the framers were right is clear from the consideration that such independence as a state may have is not independence of the Constitution, but in and through it. As, indeed, the freedom of the individual is not freedom to disobey the law but to walk in avenues opened up by the law and respect the fences built by the law. On this principle the state, even in local concerns, cannot be sovereign over the will of the whole people, else Buchanan was right when he claimed the states could not

be coerced by Congress, and Madison was wrong when he claimed that republican liberty could not exist under some of the abuses of certain states, and even some matters of internal local state legislation must be restrained by the national government.

One of the first questions arising in the Constitutional Convention was this question of the people or the states. Was the new instrument to be ordained by the people or by the states for the people or for the states? The way these questions were answered was to decide whether it was a nation to be created or the patchwork of a confederacy to be continued. It must be remembered that up to this time, politically speaking, there was no American nation, and never had been. There were thirteen American nations. All of the people belonged to one of these thirteen American nations, except the few straggling pioneers who had wandered into the forest beyond the Alleghanies. Up to this time these did not count. The only way the vast majority of the people could conceive of anything important being done was by or through states, since there was no nation, unless there were thirteen. The only possible way, therefore, by which anything could be done was through the machinery of states. This fact is the more emphasized as we remember the difficulties of communication, and that it took longer in those days to go from Boston to New York than it does now to cross the Continent. Much of the significance of state action regarding this whole constitutional movement may be attributed to convenience and geography. The extraordinary difficulty and expense of getting the whole people together in any

adequate representation, in one place and one convention, were prohibitive of that method.

I fear too many of our assumptions have been founded on Madison's famous argument in the Federalist on *"The Constitution Strictly Republican,"* in which he concludes that the act establishing the Constitution will not be a national but a federal act, "because the Constitution is to be founded upon the assent and ratification of the several states derived from the supreme power of each state—the *authority of the people themselves.*"

The vital distinction between "the states" and the "supreme authority of each state" (which, by the way, makes or unmakes states), the distinction between creature and creator, seems to have escaped the attention of Mr. Madison.

The argument was doubtless put forward in order to win votes for the Constitution from those who were afraid of the very idea of nationality, and jealous of every encroachment upon that rampant individualism of the day which so nearly made a Constitution of the nation impossible. It is worthy of note that while Hamilton, who drafted the Annapolis report, recommended a Constitution which should be agreed to by Congress and afterward confirmed by the *legislatures of every state* (Elliot's Debates I, 118), Madison (Writings, Hunt's Edition, 361-69) argued that it was one of the vices of the political systems of the United States that the ratification of the articles should be made by the legislatures and not by the people. It is interesting to see Madison going further than Hamilton in this direction.

As a matter of fact, had the articles been assented to

and ratified by the states it would have been through their sovereign government, namely, the legislatures of the states. As a matter of further fact they were not thus assented to and ratified. They went back to the people, who make legislatures, governments, and sovereign instruments, and these the people, not in legislatures, but in convention assembled, ordained the Constitution and made it a national and not a federal act.

How else could a national act have been performed?

It is singular that a man of Madison's acumen should have so failed to grasp the meaning of his own words: "Derived from the supreme authority in each state—the authority of the people themselves."

How could he admit that there was a supreme authority in each state behind the state, which created the state, namely, the authority of the people; and say that the Constitution is to be founded on the assent and ratification of that "supreme authority in each state" behind the state, and which created the state; and that it could remain a "federal and not a national act"?

But this is not altogether to the point. Have we forgotten that Madison's argument was written before the Constitution was adopted, that his famous essay is theory and not history, and that as a matter of cold historic fact the Constitution did not go to the states at all, but to the supreme authority in each case, the people themselves?

It must be remembered, then, that the Constitution was proposed to the people of the states (not to the states), for there were no people outside the states; and not to the people of the nation, *because there was as yet no*

nation. There was simply a compact or league of friendship, dissoluble by consent of all the states as parties. The convention suggested that the new plan should first receive the assent of the existing Congress, and then the assent of Assemblies, composed of representatives expressly chosen by the people to act for them *qua* the people in constitutional convention to approve or reject.

Each one of the thirteen state conventions which ratified the federal Constitution was a popular convention and not a legislature, and, therefore, the people in convention assembled and not the state *qua* state ratified the Constitution. The instrument was offered to the people, and each act of ratification on the part of the popular convention of every state adopting the Constitution set forth plainly that such ratification proceeded from a convention of the people of that state.

To have submitted the Constitution to the states would have destroyed the foundations of democracy, direct representation by the people.

This was the fatal defect of the confederation. It was separated from the people by the governments of the states. When Edmund Randolph, Governor of Virginia, presented a plan for a federal Constitution, written probably by Madison, he proposed, "that a national government ought to be established, consisting of a legislative, executive, and judiciary," and took the first revolutionary step toward the annihilation of the old confederation. The important distinction between a confederate and a national government began to take form. The conception of a nation was dimly seen to involve the common life and the common good of a united people with

national duties as well as national rights. The incompetency of the old government was felt in that under it was neither direct suffrage nor direct representation nor direct legislation. It was seen that all state right federations must be aristocratic and not democratic forms of government at all. The whole argument of the Constitution, and as well its *raison d'être,* deny the theory of state rights. This Constitution nowhere asserts, nor implies, that each state acts in its sovereign independent character as in the Articles of Confederation and in the Constitution of the confederacy. Nor as in these instruments does it anywhere state that its powers are delegated by the states to the Constitution.

The tenth amendment says:

> The powers not delegated *to the United States by the Constitution* nor prohibited by it to the states are reserved to the states respectively *or to the people.*

If the implication in the words "nor prohibited by it to the states" was a compromise with the reactionary particularists of the time, the same amendment still leaves the gateway of power open in that these powers are reserved "to the people."

Any rational construction of these words would seem to indicate that those powers which concerned sectional and local matters are left to the states where they belong. And those powers which concern the national interest and the public good—or the "general welfare"—are reserved "to the people." The strictest constructionist might accept this.

Any other view amounts to the state right theory of South Carolina, the theory which brought on the Civil

War, claiming the state to be a sovereign member of a sovereign union. The theory is the theory of secession, which is the theory of state rights, a theory which derives no authority from the Constitution itself.

The failure of the Constitution to enumerate powers the necessity for which the framers could not foresee, does not invalidate those powers, otherwise our nation could not have survived to this day and could not now face the emergencies of future time. But the Constitution itself has provided for this very thing in spite of the theories.

Article IX reads:

The enumeration in the Constitution of certain rights shall not be construed to deny or discourage others retained by the people.

Note that it does not read, "others retained by the states."

Now, as to these other powers, or rights, not enumerated in the Constitution and retained by the people, a vast body of them have been ordained by the people through supreme judicial construction, through supreme national enactment, through executive administration approved by the people and not prohibited by the Constitution, and finally by the arbitrament of arms—these all have been indemnified by the people as fundamental law.

Even Jefferson said in the Declaration of Independence, "The United States of America . . . have full power . . . to do all other acts and things independent states may of right do."

How anything as plain as Article IX of the Constitution could have been overlooked so perversely and so long

is a curious fact in an intelligent history. It is a clear statement that all the rights of the people are not enumerated and that those omitted are not disparaged thereby. To those who believe that ultimate sovereignty is one of the rights of the people this presents a clear case.

William Blackstone will tell you that "in Britain (supreme, absolute, and uncontrollable) power is lodged in the British Parliament. . . . The truth is, that in our government the supreme, absolute, and uncontrollable power remains with the people. As our Constitutions are superior to our legislatures, so the people are superior to our Constitutions . . . the consequence is that the people may change the Constitutions whenever and wherever they please. This is a right of which no positive institutions can ever deprive them" (James Wilson, Philadelphia Convention, 1787).

The basis of Patrick Henry's passionate opposition to the Constitution in the Virginia Convention was that the Constitution presented a consolidated government—a centralized government, instead of a confederacy. He objected to the language of the Preamble, *"We, the People,"* instead of *"We, the States,"* on the very ground that it meant that the states were not to be parties to a compact, but that the people were to be the parties to one great synthesizing consolidating national government. And so it was. Patrick Henry claimed this to be revolutionary—as if that were argument against it, since to be revolutionary was no crime to him so short a time before. Patrick Henry correctly interpreted the Preamble. The Preamble to the Constitution destroyed the doctrine of state rights sacred to the Articles of

Confederation which so ingloriously failed to consolidate a people or create a nation, when our political life was so precarious as to cause Washington to say it was "suspended by a thread."

Patrick Henry saw what Hamilton had already seen, that the dominating words of the Constitution were its first words: "We, the People." Henry saw what Hamilton also saw, that this beginning struck the note which was to be the death knell of state rights. One saw and feared, the other saw and was glad that another revolution had come to pass, that the confederation had passed away and a sovereign nation had begun to be.

And then when the fight in Virginia was won the Convention voted that the powers granted under the proposed Federal Constitution are the gift of the people and that every power not granted thereby *remains with them and at their will.*

If any American could dispute that final authority resides in the sovereign will of the people, surely it ought not to be the democrats of individualism, who have made so many Fourth of July orations on the sovereign will of the people. Here again crops up that inconsistency, in which they do not seem to understand the bearing of their own claims, in which their individualism surrenders rationality and coherence. However, no one in this country will dispute the statement that final authority resides in the will of the people. Nationalist and Individualist admit it, nay, proclaim it. The principle of the sovereignty of the people is the ground of all self-government—national, state, or individual self-government. But the issue between Nationalist and Indi-

vidualist was once whether they were to trace the authority of the Constitution back to thirteen separate centralized entities called sovereign states, or back to the whole people of the nation.

Marshall held that "the government proceeds directly from the people," and that "its powers are granted by them and are to be exercised directly on them for their benefit," otherwise the Constitution could not have been what James Wilson, of Pennsylvania, characterized it, "the charter of the People's nationality," or what Marshall himself called it, "our ordinance of national life."

However wrong Jefferson may have been on the main issue, he had one sublime instinct. He had no philosophy —no consistency. But few men ever testified as he testified to the sentiment of the trustworthiness of the common people; and the American nation never would have been the same had Jefferson never lived or had he, like Hamilton, been assassinated in his youth. The nation needed him. It can hardly be held successfully that it needed so much of him, but Jefferson's instinct to keep the government close to the people was sound. His instincts were better than his logic.

The curious thing is that such theory as he had was false, false to his instinct and ready to thwart his aims. It was the theory of Hamilton and Washington, of a government more or less self-centralized, which was to hold the nation together and prevent the real centralization of arbitrary power in the uncontrolled preying of the strong upon the weak. It was Hamilton's philosophy which safe-guarded the instinct of Jefferson. Washing-

ton knew that "influence is not government." Jefferson never knew that "sentiment is not government," that sentiment without government is anarchy, and that under anarchy the big eat the little, and that under anarchy there can be no free people. As it was the Hamiltonian philosophy which annihilated state sovereignty and established a government directly from the people and not through the states, so it was the Hamiltonian philosophy later which abolished human slavery and vindicated real democracy and the right of all to life and liberty and the pursuit of happiness. It is to-day the Hamiltonian philosophy which is the champion of the people and *all* the people, against the rapine of anarchy and against the uncontrolled exploitation of the uncontrollable centralization of predatory wealth.

CHAPTER V

A WORD ABOUT SOVEREIGNTY

It was one of the great days in the nation's history when John Marshall ascended the Supreme Bench, called there just a few hours before Jefferson became President of the United States—Jefferson, who, had Adams not appointed Marshall just at this time, would have appointed an entirely different kind of man; and it is probable that the whole future development of the United States would have been changed in its direction and course forever. One of the first things Marshall did was to settle by his adamantine reasoning the status of the Supreme Judiciary itself. He affirmed that this judiciary has the right to construe an issue and to decide what is the law which governs in any given case. If the terms of the Constitution and those of any legislative enactment conflict the Court must decide whether it will follow the Constitution or the legislative act. "But it is essential," says Marshall, "to all written Constitutions that a law repugnant to the Constitution is void, and that the Courts, as well as the other departments, are bound by that instrument." Then how else could he construe but according to the fundamental law?

As to the state rights contention, the principle is distinctly announced and established, and is no longer questioned, that any enactment of any state, or even of the national legislature in conflict with the Constitution, is

void, and that it is within the power of the judiciary to determine this.

These two principles have been accepted as the expression of the will of the American people as distinctive American fundamental law. Marshall established this principle in spite of the angry and violent opposition of Jefferson. The principle has stood to this day, because Marshall's reasons for supporting it were final. In the summing up of the argument in the celebrated case of McCulloch *versus* Maryland, in 1819, Marshall outlined the situation in an unanswerable way. He held that a Constitution as prolix as a legal code containing an "accurate detail of all the subdivisions of which its great powers will admit," could "hardly be embraced by the human mind" and "never be understood by the public." "Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves." "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of that Constitution, are constitutional."

The struggle for American nationality is one of the crowning struggles of the human race. That the initiative of Washington's administration was in the direction of sound nationality, was no more fortunate than that when the Jeffersonian reaction began, Marshall on the Supreme Bench grasped with such clearness and expounded with such irrefutable logic the fundamental

principles (and it is the literal minded strict constructionist who fails to grasp them), that if sovereignty was delegated it was surrendered and by the people, not the states, and to a sovereign instrument; that the people, not the states, made the Constitution, and the Constitution made the national government; that this instrument holds powers sufficient for all the needs and purposes of a national government; and that anything less would defeat the aims of the framers of the Constitution and the founders of the nation, and would prove inadequate to the multiplying needs of a sovereign people.

The Articles of Confederation formed a union of states. The Constitution of the Southern Confederacy made a union of states. But the National Constitution is a bond of union of the People of the United States.

To my mind there is nothing Marshall ever said more fundamental, more vital, or more true than this:

"The people made the Constitution, and the people can unmake it. It is the creature of their own will and lives by their own will. But this supreme and irresistible power to make or unmake resides only in the body of the people, not in any subdivision of them. The attempt of any of the parts to execute it is usurpation and ought to be repelled by those to whom the people have delegated the power of repelling it."

What a different note from that of Buchanan, with the nation on the verge of civil war, who, in his message of December, 1860, while denying the right of secession, declared that Congress had no right to coerce a state.

President Francis A. Walker (The Making of the

Nation, p. 253) interprets Marshall's theory of the Constitution as an instrument under which the national government is not limited in its agencies or methods, and has "free choice among all means not expressly forbidden in the Constitution, which are reasonable, expedient, and politic means to those ends." Marshall expanded "the frame of the government to its proper proportions."

Hamilton's doctrine of implied powers is more familiar; that "if the power is necessary to the purpose of the Constitution it may be implied from powers expressed."

The final establishment of this principle through construction, one of the most important achievements of American jurisprudence, settles the question as to latitude of construction and as to the elasticity and not rigidity of that ultimate instrument, the Constitution of the United States. It established forever, or at least so long as the Constitution shall endure, the principle of development and the possibility of development in spite of that class of minds which would fetter a growing vital virile present to the corpse of an age a hundred years dead.

Moreover, it established not only the fact that powers enough have been delegated to the Constitution, whether by the states or by the people, to confer on the Union all the powers of national sovereignty, but that this sovereignty lies in the will of the people—the whole people—not in thirteen or forty-eight peoples; and that of the whole people the ultimate oracle is the Constitution of the United States; that this Constitution is the instrument of one State, and not forty-eight states.

Marshall had said that the people can make Constitutions or unmake them. The strict constructionist, who may object to doctrine so revolutionary, is referred to the fact that with an inconsistency characteristic of a party which shouted that all men were created free and equal and fought the Civil War to uphold human slavery and state sovereignty, Mr. Jefferson and his followers, advocated a Constitution elastic enough to be changed every nineteen years; that the majority should make the Constitution "what they think will be best for themselves," and as it were in the same breath, pleaded for a strictness in construction, for a rigidity of Constitution which would make reform exceedingly difficult and progress all but impossible.

It will be urged by the strict constructionist that provision has been made for changes in the Constitution through amendment. Quite true. But an amendment to the Constitution is now almost an impossibility. Provision has been made also for change through construction—of legislature, executive, and judiciary.

I fancy there is no one to-day to question the constitutionality of a vast number of legislative projects "to promote the general welfare," and which have no constitutional ground outside the fact that the entire nation has acquiesced in what we may call *legislative,* or *judicial,* or *executive* amendments to the Constitution, which before the Civil War would have been passionately and almost unanimously opposed. It is impossible to reconcile the attitude of the strict constructionalists with the increasing body of laws enacted for the public betterment. How are we to consider this increasing body of

law finding its expression, if we take a classical example, in the whole recent conservation movement of the United States passed by the sovereign power of a sovereign nation, ratified by the executive, acquiesced in by the Supreme Court, applauded by the whole people, with no specific warrant in the Constitution of the United States, unless these acts are to be considered in lieu of amendments to the Constitution, as an expansion of that Constitution? Does not the state right theory trip on this snag?

Suppose every legislative act to "promote the general welfare," for which there are not specific powers mentioned in the Constitution, were wiped out by the Supreme Court? What would we have left? Not a nation, surely.

I fear these state right delegationists have mixed their authorities. I do not find a body of doctrine in the Constitution justifying their claim. I do find their theories certified in the Articles of Confederation and in the Constitution of the late Confederate States. I quote from the Articles of Confederation of 1781 against which the Constitution of the United States was the protest of the people of the nation:

Article II:

Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States in Congress assembled.

I read the Preamble of the Confederate States of America, 1861:

We, the people of the Confederate States, each state acting in its sovereign and independent character, in order to form, etc.

But I read in the Preamble to the Federal Constitution:

> "WE, THE PEOPLE of the United States" (that is the way the Constitution begins and spells "WE, THE PEOPLE" in enormous old German letters) "in order to form a more perfect union"; (that is the first purpose mentioned before the establishment of justice or securing the blessings of liberty) "WE, THE PEOPLE . . . do ordain and establish this Constitution of the United States of America."

The Montgomery Convention was found explicitly acknowledging the principle of state rights and delegated powers. The Confederacy was formed because the Federal Constitution did not so ordain. The Southern leaders claimed to have been satisfied with the Federal Constitution, but for "too loose an interpretation," though no kind of construction can find the principle of state rights (which of course means state sovereignty) in the Constitution of the United States.

It is not altogether parenthetical to state here that the Constitution of the Confederacy is a consistent exposition of the philosophy of individualism. For example, practically everything in the way of state action "to promote the general welfare" was prohibited. It expressed clearly the democratic theory of the state. The state had no moral mission. The sphere of national self-government was very much restricted, all but annihilated. The principle of nationality was annihilated.

It was because the South wanted to annihilate this principle that it tried to destroy the Union. Protective tariffs were prohibited, as were all internal improvements at the public expense. Grant the soundness of their political philosophy and you must justify secession.

Indeed, it is an interesting fact that democrats—those who are consistent individualists—have always arrayed themselves against the ethical enlargement of the sphere of the state—"to promote the general welfare." The vast mass of constructive state-building to the credit of the constitutional party in the extension of the public control over the common good, has been pronounced unconstitutional by every strict constructionist and held as pernicious, theoretically, by every democrat of individualism, although advocated and voted for when it was good policy to do so.

Jefferson stated the issue clearly:

"Our tenet ever was, and, indeed, it is the only landmark which now divides the Federalists from the Republicans, that Congress had not unlimited powers to provide for the general welfare, but were restrained to those specifically enumerated."

"Henceforth," says Schouler, after quoting the above, "our national parties were to fight one another upon the issue, not of constitutional change, but of constitutional construction, public opinion being the only recognized arbiter. From 1804 to 1865, a period of much controversy, culminating in Civil War, not a single constitutional amendment was proposed by the American Congress to the states for adoption; and the thirteenth amendment of this latter date registered and confirmed a decree which the sword had already executed without positive sanction."

Is it not time to reëxamine our opinions of the Constitution and this question of sovereignty from some other than a lawyer's standpoint?

Each generation must have its own point of view. Is it not time for the generation which was born since the Civil War to state its case?

There is a growing party who believe in national self-government and in state, county, or individual self-government as supplementary and not opposed thereto.

We conceive of our fundamental law as having proceeded from the people. These "people" are not thirteen original states. These "people" are not merely the *people* of the thirteen original states. They are the people who enacted the Constitution before they died, and who construe the Constitution while we are living—*we the people.*

Professor Hart has stated the case for the modern American who believes in American Nationality. "The correct view of American Government is that every form of government, national, state, or local, emanates from the same authority—namely, the people of the United States. The fundamental basis of American Government is the right of a people to organize and form governments for themselves" (Actual Government, p. 51). He might have added that the fundamental basis of American Government holds the right to construe according to the needs of the living rather than in deference to the dead.

Are the states nations? Is the National Government their agent?

It has taken over a hundred years to answer this question, and the question is not yet answered if the present state right contentions be well grounded, and if there is an area over which neither state nor nation exercises

sovereign control. The nationalist maintains that the American nation is a sovereign nation.

Sovereignty means supremacy. It involves a dominion subject to no other dominion. It has authority and force subsidiary to no other authority or force. The nation involves powers actually belonging separately to none of the forty-eight individual states.

Lincoln once defined sovereignty adequately for all practical purposes. He says, "Would it not do to say that it is a political community without a political superior?" He said further, "Tested by this no one state except Texas ever was a sovereignty."

Assume sovereignty of the nation. Has it a political superior in the "sovereign" state? Assuredly not. Has it even an equal in the "sovereign" state? No.

Assume sovereignty of the state. Has it a superior? Assuredly it has. Is it even the equal of the nation in authority and power to enforce that authority? Indeed no. No state "sovereignty" measures up to that test.

No state possesses this supreme power. A state cannot even carry the mails. It cannot coin money, impose tariff dues. It cannot grant patents or copyrights. It cannot maintain a navy, nor can it declare war or peace, nor enter into a treaty with a foreign power; it cannot secede. Why? Simply and solely because it is not of itself a sovereign power.

The legislature of a state cannot be said to exercise supreme legislation when the very citizens of that state owe first obedience to the laws made by another power, and when the codes of their lawmakers are null and void

if in conflict with the laws made by another power than that of their state or the people of their state.

The courts of a state cannot be said to exercise supreme judicial power when their very magistrates are sworn to disregard the laws of their own state when they are in conflict with another law passed by another and higher legislature, and are subject to construction by another and higher tribunal.

The very Constitution of a state is not sovereign, for it is only operative when in consonance with another Constitution of another and higher authority.[1]

These are some of the powers without which the claim of sovereignty is a ridiculous if not an impudent assertion; powers which the people long ago stripped from the states with the confederation and wove as one garment into the Constitution to cover one people of one nation.

Sovereign power involves supreme authority and force. The supreme law involves the supreme sanction. There are no sovereign states, because no state possesses a sovereign law with a supreme sanction. This question was thought to have been left open by the compromises of the Constitution and certain states once alleged of themselves sovereignty and seceded. It was a question then, at last, no longer of sovereign law or sovereign construction of law, but of sovereign sanction. This question was passed up to the next highest of all tribunals—the arbitrament of arms. The Civil War settled the question of state sovereignty. The Civil War was the ultimate amendment to the Constitution. It settled the question of sovereignty.

[1] Andrew Jackson.

The Constitution of the United States is not merely the document so called. It is that instrument plus the construction in many volumes of the decisions of the Supreme Court of the United States plus the construction of the people of the United States on the fields of battle, where they decided that the nation is one nation, not a confederation of states, and that the whole is greater than any of its parts.

Back of this whole question of Nationalism is the question of authority. Where lies sovereignty over the areas unforeseen and unprovided for in state or national institutions—as to the interstate?

Where lies sovereignty over those areas of anarchy between the states? The extra-state as it were?

The question of sovereignty is not one of rights. It may be one of right, but ultimately it is a question of final authority. Final authority rests with the whole people of the nation whose ultimate instrument is the Constitution. This Constitution was the beginning not merely of union. That had been established by the Confederation. The Constitution went further. It became the supreme law of a sovereign people.

CHAPTER VI

THE NATIONAL PARTY

Side by side with the revolutionary ideas into which this nation was born another idea has been growing from the very beginning of our national existence. *It is the national idea.*

The history of political parties in the United States dates from the moment when men began to draw the line between "Strong Government" men and "the Particularists"; those who advocated and those who opposed the adoption of the Constitution of the United States. The Constitution once adopted, the party lines defined the position of those believing in a liberal construction which gave the National Government greater power, and those who opposed it. The "Particularists" of 1781 became the Anti-Federalists of 1787. The Anti-Federalists of 1787 became the Confederacy of 1860. The Washingtonians and Hamiltonians of 1787 became a Nationalist party.

Every day, for over a hundred years, the American people have been moving away from the crass individualism of the two revolutions, from particularism to Nationalism, and in the direction of the democracy of altruism. Even the practical statecraft of our fathers saw that anarchy was no fitting foundation for a rational state, when individualism surrendered its purity reluctantly to government as a necessary evil. There is much said of rights in the Declaration of Independence—nothing of

duties. A century and a quarter have shown its inadequacy as a political philosophy. We compromised our rights and recognized our duties when we adopted the Constitution of the United States.

If there is any one thing which will characterize the last half of the eighteenth and the first half of the nineteenth centuries in history, it is perhaps the irresistible progress of the democracy of individualism. The next fifty years furnishes notably the fields where solidarity fights out its battles on nationalistic lines in United Germany, United Italy, and Great Britain; and in the United States when in the sixties we were kept from being broken in two—perhaps more. In England and America, however, the nineteenth century has been particularly the scene of conflict between the democracy of individualism and the democracy of nationalism. It was not until after the Civil War in the United States that the idea became in any large and real sense the fundamental American idea, and even then it was not recognized—even now it is not sufficiently recognized. Nevertheless, the national idea has been transforming the American state. It has been informing and molding our legislation and administration. It has been molding our history. It has been shaping the very conditions of American life.

In spite of all the theories of state rights and their corollaries which were held by the vast majority of the people (and are indeed to this day), as well as by the very inherent logical necessities of the case, the fact of national sovereignty has been growing from the day the Constitution was adopted until the present time. In one

way or another, whenever American politics sees fit to revert to a principle, which is not often, it comes back somehow to this line of cleavage which during the whole history of the republic has divided clearly the Particularists from the Nationalists.

There is, perhaps, no better illustration of what I mean than that found in the gradual encroachment, I may say ethical encroachment, of the sphere of state action over the area of personal liberty; or in other words, over the area of anarchy. If the beginnings of the government were founded on principles as near anarchy as those upon which probably those of any other government has ever been founded, we must remember that the very age itself was one of revolution.

The dividing line between the two real parties of the United States is that which separates nationalism from particularism. If our party platforms will not disclose this boundary, let there be a new national party which will. Let us have a party built on principles, not interests. Whenever it has appeared that such an issue might be made there have been those ready to obscure the real issue and start the claque for economy or the tariff or some other policy which is not fundamental, like Alcibiades, when he bought a beautiful dog and cut off its tail, "to give the Athenians something to talk about," he said, "so that they won't talk about the other things I want to do." So modern politicians and bosses divert the people to-day by confusing the issue. There can never be a free trade party in this country again which will be more than a negligible quantity, yet the day of legislating for the "infant industry" is done.

When we no longer have to protect ourselves from Europe we must protect ourselves from Asia. Already a hundred millions more than half the human race, who can live on nothing a day and board themselves, have entered the lists as producers as well as consumers, and our much vaunted trade with the Orient is not only already doomed, but we have the most ominous problem of the twentieth century to solve, if we save white labor, and Western civilization, and the Christian white man's standard of living from utter annihilation.

The tariff problem is on its way out of politics. Some day it will be in the hands of scientists and there will be stability in business, and there never will be stability in business until the tariff is out of politics and is in the hands of scientists and its main outlines at least are settled as national, not as party measures.

The real issue to-day is and always has been the one between state rights and no duties on the one hand, and national rights and duties on the other. I mean state rights interpreted as state sovereignty. No one of any intellectual weight has ever assailed the principle of state rights interpreted as a matter of local rights. The nationalist denies state sovereignty. He denies the principle that we harbor an area of anarchy between the states, or between the nation and the states where there is no Constitution and no law—an area of immunity from crime where with impunity the big can eat the little and cannot be caught and punished. The principle of local self-government is more sacred to the nationalist than to the particularist, because he, and not the particularist, demands that there shall be none of the affairs

of men in our Republic where there shall be no self-government.

There are those who believe that this nation is simply the agent of forty-eight separate sovereignties called states. The nationalist believes that there is one national sovereignty for all national and interstate or extrastate concerns. But he demands that the affairs of the state shall be run by the state; that municipal affairs shall be administered by the municipality; that the affairs of the individual are the concern of the individual and that in this sphere each man can attend to his own business. The nationalist holds to the dual principle, *qua* principle as well as *qua* expediency. He insists on local self-government. But he denies the validity of local self-government in those multiplying affairs which pertain to our larger relations between sections far apart, and in those which pertain to ourselves as units of a great new born organic world power. He denies the principle of national government piecemeal. In short, he claims that all rights and all duties—all affairs—which properly may be classified as national affairs, must fall under the ægis of the national fundamental law. It signifies nothing that powers are not specifically mentioned in the Constitution to cover issues and events which could not have been foreseen by the cherubim and seraphim a hundred years ago. The twentieth century must meet its own issues and state its own creed. Justice Wilson once said, *"The general government is not an assemblage of states, but of individuals for certain political purposes"* (vide Doc. Hist. Const. III, 208-9, 250). What are those certain political purposes? Let Wilson answer. *"When-*

ever an object occurs, to the direction of which no particular State is competent, the management of it must of necessity belong to the United States in Congress assembled" (quoted by Elliott).

This is a reversal of that contention that the states have jurisdiction over all objects not enumerated in the Constitution. *"Whatever,"* says Elliott (Story of Constitution, p. 70), of Wilson's views, *"in its nature and operation extended beyond the individual State ought to be comprehended within the Federal jurisdiction."*

The national party has enacted more rational and ethical legislation than any other political party in the history of the world, excepting, possibly, the reform party in New Zealand. Every ethical law, every act advancing human welfare which this party has written on the statute books of state or nation, without a single exception, has been away from individualism and toward the enlargement of the sphere of the state—toward the centralization and moralization of its powers. It has carried out the principle of solidarity and nationalism conceived by George Washington and Alexander Hamilton as an offset to the anarchical tendency of Jefferson —tendencies much needed in their day, but which in their day fulfilled their mission, and in the sixties more than fulfilled their mission. The untimely assassination of Hamilton gave the forces of individualism an impetus which resulted in the Civil War, and which twenty years more of his constructive and organizing effort might have checked. When the struggle came and the disintegrating forces of our political institutions had gathered them-

selves, such an appeal was made to altruism as has seldom, if ever, been equaled in the political history of mankind. The national party was the embodiment of the ethical force and sentiment which organized itself to respond; to hammer the shackles off three million slaves, and to prevent individualism from breaking the nation in two.

The Constitution of the United States was first a protest against the policies of chance and the politics of drift on which the ill-formed nation was swiftly hastening toward dissolution. There was nowhere a common end or aim, nowhere the recognition of a common life and a common good, nowhere a constructive and fundamental idea.

The Constitution was enacted to outline, not fulfill, the fundamental idea; to make one nation out of thirteen; to recognize the principle of the common good and to "promote the general welfare." It is a set of principles, not a set of rules.

These are the traditions upon which the party of Nationalism was founded; these the principles the party has been slowly and surely working out from the day the Constitution was ratified until the present time. These are the ideas it has stood for and these constitute its *raison d'être.*

If it has departed now and then from this principle it is because the plunderers of individualism have sought to turn this great instrument of altruistic power to serve their individual greed.

This is the principle it opposes to the particularist theory of government, which is the policeman's theory—

no more. The national party stands for an ethical democracy, which means the extension of the government ethically for the good of all the people. It believes, by instituting rational and ethical forms, that through these and by means of these the whole people, acting together with intelligent aim, can better achieve the objects of their existence (unless it be conceded that the aggrandizement of the clawman is the object of existence) than can the individual units of the multitude, in a mad and untrammeled scramble, not working together and working without aim or reason except as each one is propelled to the acquisition of materialistic possession, driven by the blind instinct of self-interest.

The party of Nationalism has recognized the principle that, whatever might have been the outlook and purposes, and indeed the limitations of the "fathers" in framing the Constitution, the people of each generation have had their own life and their own problems since that instrument was drawn up, and that it must be construed to meet the present needs of an expanding nation. Such has been the change in our world outlook that every step in the progress of nationality has been accompanied by corresponding change in the fundamental law. The general necessity for such an adaptation and growth has been finely stated by Mazzini: "The supreme power in a state must not drag behind the stage of civilization that informs it; it must rather take the lead in carrying it higher, and, by anticipating the social thought, bring the country up to its own level."

American nationality has been defined not only by the Constitution but by the constitutional practice of nearly

a century and a quarter. And constitutional practice, as accepted by all the people of the nation, in whom all sovereign power lies, includes not only judicial but legislative and executive construction—also construction by the sword.

So far, nothing is clearer in the development of American nationality than this, that a century of struggle—of a common national life—has clad the skeleton of 1789 with the flesh and blood of a living thing, and that the common life of those who were born to it, rather than of those to whom it was born, has breathed upon it the living breath of organic nationality.

The question now is, whether future American history shall be written of Nationalism or socialism. Particularism is played out. Its last word is that the government of the United States has been moved from Capitol Hill to Wall Street. We have reached the climax of a political system based on interests instead of principles—the apotheosis of the boss and the worship of the machine—where one man controls an eleventh of the national assets and the masses of the employed middle classes cannot afford the decencies of life.

We are ready for a change.

And the one thing which can save the country from socialism is Nationalism—a government of *all* the people, by *all* the people, for *all* the people.

A new era is upon us outlined in its own new problems. They are many and they are serious. Some of them are ominous. The nationalist is the only man who intelligently can cope with them. In every great crisis in our national history the issue has been between the national-

ist and the particularist, and the nationalist has always won and he was always right. He is right to-day. He will win to-day.

Whatever may be the true and ultimate political philosophy upon which a future millennium may be based, the right-minded American statesman will work on lines parallel with the American idea; and that idea he will interpret roughly, and he cannot get away from it, in the general terms of the interpretation given it by either George Washington or Thomas Jefferson. These two men head the two great American political parties; the two American systems of political thought and everything fundamental which has been done, or thought, or said since their day has followed, consciously or unconsciously, the lines laid out more than by anyone else by the attitude of these two men. Jefferson, as does no one else, represents in philosophy, practice, spirit, and point of view the democracy of individualism. George Washington—the man—his whole moral and intellectual character—is the incarnation of the democracy of Nationalism.

The line of cleavage between the national and particularist parties bisects that separating Republicans and Democrats at right angles. There are nationalists North and South, East and West, Republican and Democratic and Independent, and there are Republicans everywhere who cannot think nationally.

For example, in the ranks of the Republicans are the wretched self-seekers, who represent the interests entrenched in a slough of particularism and barricaded with state rights. Among the Democrats are many men

who are nationalists in the highest sense, though they are individualists, also, in the highest sense. The recent Marshall *redevivus,* with all the literature of more than a decade, which calls national attention again to the forming and framing of the new nation by the construction of a statesman jurist rather than the obstruction of the legal Pharisee, grew out of what has proved almost an epoch-making address, delivered by General John C. Black, President of the United States Civil Service Commission (then United States Attorney), before the Illinois State Bar Association in the nineties, on "John Marshall." General Black, whose funeral sermon had been preached at home twice during the Civil War, when he had been shot, as was thought, to death, is one of those who have cemented with their own blood what Marshall taught, the sovereignty of the nation, and not the state, and who has always been a patriot and statesman before a politician.

"The adoption of the Constitution," says General Black, "was itself only a single step toward the habilitation of the Republic. That Constitution had to be made effective. It had to be so interpreted and declared, its principles had to be so expounded that men would know that they were dealing, not with that Confederation which gasped and died on the threshold of the Convention, but with a Nation. . . ."

Then follows, in a number of carefully selected quotations from Marshall—who sat in eleven hundred cases through over a third of a century—the outlines of a body of doctrine for Nationalism which could not in equal space be exceeded in American political literature.

Another is Governor Woodrow Wilson. In his chapter on State Rights (Cambridge Modern History, vol. 7, United States, p. 414) he says, "It was the West that was making a nation out of the old time federation of seaboard states. Webster was insisting upon the new uses and significance of the Constitution; Hayne was harking back to the old. . . . The national life had, in these later days, grown strong within it. . . . No Constitution can ever be treated as a mere law or document; it must always be also a vehicle of life. Its own phrases must become, as it were, living tissue. It must grow and strengthen and subtly change with the growth and strength and change of the political body whose life it defines, and must in all but its explicit and mandatory provisions with regard to powers and forms of action take its reading from the circumstances of the time."

This broad, safe, conservative Nationalism is that which the nation has been working out for itself, and we find its exponents in all sections and in all parties. Since this is, after all, the fundamental question and point of view, here ought the old parties to be reorganized. The national party is unorganized and unnamed. Perhaps it is time for it to be named and organized.

There is a fundamental line of cleavage here historically and philosophically.

In our policies there may be a hundred. In our politics there may be only this one. It is that which separates by unbridgeable abysses the ground ideas of the two systems of thought—that of atomism and that of organic unity.

The Declaration of Independence leaves out the element of reciprocity, outlines the philosophy of individualism, and is the foundation stone of the democracy of individualism.

The Constitution, on the other hand, offers the foundation for a creed of the democracy of altruism. Enacted, as it were, for the express purpose of declaring ourselves one instead of thirteen nations, it uttered a new and significant note in the prevailing discords of anarchy when it declared its purposive mission "to promote the general welfare." If Gladstone's estimate is correct that this was the noblest document ever struck off at one time from the mind of man, it is also true that the Preamble contains one of the most benign and far-reaching ethical motives ever ascribed to a political document. Every one knows the onslaughts of the political ancestors of the American democracy on this precious instrument; how Jefferson said, after opposing it, it should be made over every nineteen years, and how Alexander Hamilton, in one of the most dramatic and brilliant struggles in the political annals of mankind, saved the Constitution at Poughkeepsie, blasted the last hope of individualism and the "particularists," and made anarchy forever impossible so long as the Constitution lasts; and saved this nation to the future in securing that instrument which was not only to be the perpetual guarantee of our liberties, but the assertion of our duties.

Then and there was the fundamental issue defined between the two great political parties of the United States, and then and there were the broad lines of future conflict laid out.

The struggle of the twentieth century will be between the parties of State Rights and of One Nation—of Individualism and Nationalism; between the party of self-interest and the party of the general welfare; between the philosophy of the Declaration of Independence and the philosophy of that Declaration of Interdependence—the Constitution of the United States.

CHAPTER VII

TO SUM IT UP

Behind every theory of government is a theory of life. The theories of life which stand opposed to each other at the beginning of this ominous century are the principle of individualism and the principle of association.

Individualism offers a theory of society, but it is a wolfish one.

Socialism offers a theory of society, but it is an impractical one.

Opportunism has no theory of society, no theory of life. It is sometimes good—it is sometimes bad. It is always uncertain.

What we want is an idea. It must be fundamental, social, historical, ethical. Such an idea must be the foundation of the true democracy, and it will be founded on the theory of the brotherhood, not the step-brotherhood, of mankind. It must be an expression of the corporate reason and ethic; not the chaos of competing and unrelated units. It must be an integral part of a whole theory of sound life and must not be "split in two with a hatchet." The atomist view of life, which conceives economics, politics, ethics, religion in isolated and unrelated positions, bears about the same relation to modern intelligence as the older forms of phrenology bear to modern psychology, which represents the human mind as a unit and not so many faculties marked by cranial protuberances like so many hills of potatoes.

While we look forward ultimately to something wider than Nationalism, racial federation can only come through and be based on sound ethical Nationalism as the latter is based on sound and moral personal character. Anything like cosmopolitanism is too remote for discussion here. But what we ought to have and what we might have is an ethical democracy in which the tenderer sentiments of the human heart may not wither and die, where a man may be honest and fair and still do business, and where men will not mangle and crush their brethren to acquire their property without fair return, and where the acquisitive instinct has not gone stark mad. To the true statesman the very idea of the separation of politics and ethics must be an insanity. The fact that the brute instinct of self-interest is still the mainspring of human society shall occur to him as a colossal sin against God and man. Evermore, if we are human beings, we must return to the ethical problem, for human values are ethical and one human being will not dare face another human being in the universe without regard to the ethical motive. The universe is constituted this way.

The fate of the Western Hemisphere—indeed of the world-experiment of democracy—hangs here. The faults of such democracy as we have known are the faults of the philosophy of life behind it—viz., individualism. The sinister elements dominating our institutions, and which give a foreboding aspect to our sky, are the hell brood of individualism, reduced in every case to the motives of piracy prevailing everywhere in our business world. Anarchy still prevails in our midst outside the reach of law; because we have separated ethics from

politics and economics—because we have separated morals from business and religion from life.

There is no appeal from the verdict of history.

In so far as motives of sociality have displaced those of selfish instinct we have seen the result in civilized society. If we are able to learn anything from the history of our nation, it is that ours, of all human experiments, has shown by this time that human progress lies toward rational association and not toward that untrammeled strife called free competition; away from anarchy and in the direction of nationally conceived and nationally coördinated law and order. The chance phrase of Plautus, *"homo homini lupus,"* describes such pure individualism as still exists in the world, and it is not time wasted for us to stop money-getting now and then long enough to ask ourselves whether it is more or less of it we want.

So far we have survived and outgrown atomism, but we have not stated our national thesis nor formulated our national theories. We are, however, coming to the point that Jeffersonian atomism offers no rational basis for political association—for a theory of legislation, a theory of government, a theory of the state, or a theory of life.

In proportion as we are abandoning individualism, a national idea is dawning upon us. Some one will confer upon the American people a lasting benefit when he discloses, at this line of cleavage, the clue of American political history and at the same time the key of American political destiny.

We are even beginning to get used to the idea of national self-government. This generation was born to

it. Nationality is its birthright. It is becoming as easy for some of us to imagine a nation governing itself as a state governing itself, or a municipality governing itself. The idea is easy because we were born seeing the thing done. Once it was not so. Around this idea have been fought our fiercest political struggles and one of the bloodiest wars of the world. Out of these struggles has slowly grown the conviction that the very life of any true democracy, and its fitness to survive, is bound up in the proposition that the whole people is fit to govern, can govern, and does govern itself. Once government was the *bête noire* of the American populace. We are beginning to find our national peril in lawlessness. Once the people shouted for individual liberty. But having narrowly escaped the danger of becoming enslaved through anarchy we are seeking more and more constitutional liberty.

We have found out that certain things concern the whole American people; indeed, that everything American concerns the whole American people. For these American concerns we are wanting strong government—national government. We want strong government because that is the opposite of weak government. And weak government means a weak nation. And a weak nation means a weak people. And a weak people means weak people. We contend for strength, adequacy, national sovereignty over national relations and interests. We demand a government of *all* the people, by *all* the people, and for *all* the people. This we oppose to atomism, anarchy, confusion, and sectional strife.

"The Divine Right of Kings," said Disraeli, "may have

been a plea for feeble tyrants, but the divine right of government is the keystone of human progress."

I have contrasted, in barest suggestion, the basic ideas of the democracy of Individualism and of the democracy of Nationalism.

I have indicated by a few concrete instances of ethical legislation wherein the American state, for a hundred and twenty years, has been encroaching upon the anarchy of individualism, and too slowly enlarging the area of the common good, by establishing the sphere of rational politics over brute instinct still predominant in our predatory regime. Other forces have made for anarchy perhaps as fast as we have gained headway, the unassimilated foreign element, and particularly the increasing power of lawless financialism, the enervations and degeneracies of our young men and women, who have nothing to do but gratify their appetites and passions and study new means of wasting treasure created by exploited and unrequited toil. I have tried to show that underlying such policies as have been a credit to the Constitutional party, to the nation, and to modern civilization, there are certain principles we have been working out, mostly in the dark, without intelligent plan or foresight largely—principles unrecognized, unstated, and unnamed, but which should be clearly stated, candidly discussed, and in good faith accepted or rejected as they have been seen to be valuable in practice. Fugitive acts, sporadic and opportunist legislation are too apt to result from demagogic appeal to the citizen who will sell his vote for his financial advantage, which almost all Americans

holding the business theory of the state affirm of their motives, and affirm without private shame or public rebuke. For the most part we are Republicans or Democrats because of our conception of our business interests; or one step further, for the hope of office; or further still, in the direction of pure Hedonism in politics, we sell our votes for money. If there is one thing worse, however, than selling ourselves, it is buying others; for the sake of our lawless aggrandizement, to acquire for a consideration, votes, legislatures, common councils, judges, and congressmen. How will the young American coming of age approach the franchise? Will he come with the sodden question in his heart, "Will my vote help my business?" "Shall I get office?" "How much can I get for my vote?" I can imagine another kind of politician who will say, "I believe in reason instead of brute instinct; in law and order, not anarchy. I believe the American nation to be something far greater and more worthy than a 'business proposition.' I acknowledge an obligation for every privilege, a duty for every right, and bind myself to pay the future what I owe the past. I shall find a place for humane sentiment in business and for conscience in politics, on the theory that the categorical imperative rules the human constellations as completely as gravitation rules the stars."

Here, again, emerges the fundamental question of the Politics of the Republic. Shall we govern more, or shall we govern less? The individualists do not seem to have grasped the difference between these questions; whether we shall *be governed* more or *govern ourselves* more.

Many seem also to think there is some difference in principle between local and national self-government. But this is comparatively harmless in comparison with those phases of the eighteenth century creed construing all government as an evil, and very little of it a necessary evil. The "Reds" of Paterson, the Black Hand of the East Side, and other gangs and organizations to whom we have extended our unintelligent hospitality all over this country, the Night Riders of the South, the bomb throwers of the West, the hoboes, and cutthroats, and rebaters, and stock gamblers; in short, *all anarchists,* above or below or outside the law; all the law-breaking, law-defying brood of individualism hold fast to its amiable theories—that we must govern less and not more; that we must limit the sphere of law and order and not enlarge it, until the very quaking foundations of the Republic sound alarms for the increasing lawlessness of the nation. We have lost our respect for law and order as such, as a nation, and we are drifting back toward the instincts and principles of Confederation and state rights. We are losing the constitutional liberties we have won in the license we are willing to accord the lawless. The national problem is—more national self-government or less national self-government!

Which do we want more of?

This raises a concrete question. Shall we contract or enlarge the sphere of the state? Shall we go backward or forward? Shall we govern less or govern more? Shall we move in the direction of egoism or altruism? Satisfy our individual rights or discharge our duties to the human race? Shall we repeal such ethical legislation

as we have won, or shall we enact more similar legislation for the "general welfare"? Any consistent egoistic individualism must say that to fulfill our destiny we must return to the purer "business theory of the state"—a policeman theory of the state—the state of primeval anarchy modified by a grudged protection of life and property—a state without reason or ethic—consequently without soul—and an environment where the human spirit will gorge on husks for swine.

This is a vital question. The existence of this government and the permanence of our institutions depend on how our people answer this question.

Shall we reduce ourselves to further individualism? Shall we provide no defense against external aggression, nor conduct foreign treaties, nor preserve internal peace and order? Shall we sublet the military and naval departments to the contractors who may also build the Panama Canal? Shall we take away the corner stone of family ties, duties, affections by failing to regulate the marriage contract? Shall we neglect our highways and extend no control over those who use them—or our bridges, ports or harbors, coast lights and surveys? Shall we drop the postal system and provide no uniform system of weights and measures—abolish patent and copyright laws? Shall we abolish quarantine, prohibit no nuisances, neglect public cleanliness, supervise no foods and medicines, abolish no adulterations, allow the importation of contagious diseases, provide no maintenance for the poor, the idiotic, the insane, the helpless? Shall our laws no longer shield infants by avoiding their contracts or protect their persons or property—or married women,

or persons of unsound mind?[1] Shall we allow no regulation of the employment of women or children? Shall we return to *laissez faire, laissez aller, laissez passer*—let-her-go and God help us—in other words, shall we govern less or govern more? That is the question.

I venture to say that no political party will ever see the light of day again in this country which consistently supports individualism, its children, or its grandchildren. The salvation of our nation is bound up in the Constitutional party's being true to its philosophical foundations and its historic achievements, and in the completion of the program of Nationalism, for the hills around us are an encampment of the hosts of anarchy and the horsemen thereof. The American people must choose between government ownership, the confusions of individualism, and government control—in other words, between socialism, anarchy, and Nationalism.

The old enemy is still in the saddle—individualism—nothing more, nothing less.

But individualism takes no account and entertains no estimate of humanity. The democracy of individualism conceives a multitude of human units, each with a multitude of militant rights, with no common aim, no solidarity, devoid of the idea of fraternity—unrelated, competing political and economic units.

Such a democracy had been the lot which had fallen to the United States except for the gradual introduction of the methods and spirit of Nationalism.

Let it be conceded that we can work better together for the same thing than against each other for the same

[1] Byles.

thing. In the absence of 95,000,000 separate millenniums in 95,000,000 individual hearts, Nationalism assumes political form and function and on its negative side sets up the principle of Government Control, while in its positive aspects it appears in the social, rational, ethical theory of the state, including a Christian theory of legislation.

The late Professor Goldwin Smith once said that we ought never to glorify revolutions, that "statesmanship is the art of preventing them." This is the negative side of our problem.

When Sir William Harcourt, in the House of Commons, said, "We are all socialists now," he meant that all intelligent countries are erecting ethical and altruistic barriers to human greed; have differentiated between the creation and acquisition of wealth; have recognized that human evolution contains a principle higher than the reckless brute supremacy of the cunning and the strong; and that the unmistakable world movement is away from irresponsible conflict and toward rational association.

If there is a question as to whether free institutions shall survive in this country, it has not arisen from the restraints legislation has laid upon the rebellious and greedy instincts of the "lord of himself in undisturbed delight," but in the sodden philosophy of the Revolution, whose tragedy has resulted at last in the American multi-billionaire. I have said we want a new Declaration of Independence of man as well as men; of duties as well as rights; and it must declare the right of Nationalism to invade and restore and protect every sanctuary individualism has violated.

Statesmanship just now is the art of preventing anarchy or socialism. *Similia similibus curantur.* The extension of ethical legislation is the only power that can put the anarchists out of business; but if the country is to be saved from the disease of radical and revolutionary socialism it must be vaccinated. The hope of the survival of democratic institutions and civil liberty in the country is in the extension of the principle of association—of Nationalism—in the enactment of such ethical legislation as shall smash the "divine rights" of "barons" and all "corners" on necessities and make it little worth the while of any one man to acquire ten billion dollars or perhaps later own all the earth and most of heaven.

One of the most splendid ethical generalizations of the human mind is that of the Scotsman whose forefathers went from Scotland to Königsberg ostensibly for a job, but really, doubtless, that their son might become the creator of modern philosophy and German Idealism. Emmanuel Kant said, "That conduct is right which would work for good if it became universal." Politically, it is the task of Nationalism to uphold this principle.

Can we imagine the hog philosophy of modern commercialism alongside such a generalization? Can we imagine Napoleon, that insatiable maelstrom of Individualism, operating on the ethical plane laid down by Kant—or the child-murderers of Birmingham and Manchester; or modern American billionaireism?

Individualism will creep barefoot in the snow or on its knees, like the pious kings of old, to hear the gospel of Manchester preached at the altar of Juggernaut, for

it is the last refuge of despairing plutocracy. Who wants a *status quo?* He whom Emerson described as having no argument but possession. Who calls loudest for free competition? He who can circumvent or exceed free competition, the rebater and throat-cutter. Who wants to keep productive industry in a state of war? The man with the strongest arm and the heaviest artillery. Who wants to bolster the civilization which asks no questions but "who arrives first at the goal"? He who has the largest handicap and the longest legs. There is not a man in either party who ever offered a bribe or took one, who ever bought or sold his vote, who ever won an election by intimidation, who is not a consistent individualist and who is not a logical believer in "the business theory of the state." No one but a consistent individualist ever deserted his post on the picket line or turned his back in battle; ever betrayed his country for gold or his Master for silver.

Finally, to state this question answers it.

If it is a question of motive without consideration of which the ethical element is inconceivable, is human welfare best served by the egoistic or altruistic motive?

If it is a question of point of view, shall that be instinct or reason?

If the antithesis is between two tendencies, does the "harmonious development of the human race" lie in the direction of license or liberty, chaos or order, anarchy or law? in forty-eight separate sovereignties or in one strong national self-government?

EPILOGUE

Twenty years ago the late Professor Sumner was writing in the North American Review on "The Absurd Attempt to Make the World Over." Professor Sumner enjoyed a place with the very large majority of the Anglo-Saxon race where he could congratulate his fellow beings if not that the atoms of the universe were fortunate in that they happened to stumble across those two great accidents—the world and man; at least, having stumbled upon them, the path of progress was up that blind alley in which they could stumble some more. To set up a theory of navigation upon the abolition of rudders and the abrogation of astronomy was what those sons of Chaos, not Cosmos (as Carlyle might have called them), would set out to do in carrying our eighteenth century *a priori* theories to logical conclusions. It is a commentary upon our intelligence—and it is tragic enough too—that we have so persistently refused to apply human intelligence to our own political affairs; that we have trusted to a policy of drift and have believed in the principle that we can make more progress blindfold than with our eyes open.

Now, this is a curious, I may say an extraordinary, development of irrationalism developed almost to a race characteristic.

That we have been satisfied, for example, 99 99-100 per cent of the human race, to apply more science to the production of a litter of pigs than to the matter of our own posterity; that we still allow the degenerate, the

habitually criminal, the idiotic, insane, and incurable to run at large and propagate their kind; that we, in America, allow Wall Street to control and manipulate our finance to the extent that at any moment we may be plunged irresponsibly and without recourse into a state of financial panic—to be forever with our vast business interests at the mercy of a few financial pirates; to have no business stability and no possibility of business stability; these and a thousand and one Anglo-Saxon peculiarities are emphasizing our characteristically democratic respect for established facts, first as an absurdity and then as a crime. There are all around us pathetic illustrations of the invincible perversity of our unintelligence.

So far as natural wealth is concerned—I mean the kind it has taken geologic ages for the good God to prepare—no people ever entered into such an inheritance as ours. And no people has ever behaved so badly with it.

What have we done with it? We have been criminal wastrels. We have been complacent and unjust stewards. We have not only refused to take what belongs to us; we refused to keep what we had, and we have wasted what we had left. Result: The American financiers are rich and the American people are poor.

We have been boasting that we are the richest nation on earth. What it means is that we have the richest multibillionaires on earth. We have been boasting of our inexhaustible resources, until there is only one inexhaustible resource left—the complacency of the American people.

This is what lies at the botom of our *laissez faire, laissez passer* politics—this tragic optimism—this unintelligent complacency of ours. It is based on a theory of life which has given us our politics and which is distinctly eighteenth century in origin, scope, and spirit. It sprang from the movement of an age which gave us our personal liberty and failed to teach us what to do with it. That is why we do not know what to do with our national patrimony.

The good Lord has made us joint trustees of the richest continent on earth and in our fat-witted optimism we have turned it over to the multibillionaire. We have given him the elemental resources of our own national prosperity, and now we must pay and we have little to pay with. We have not only been criminal, we have been unintelligent. While we have been stripping our children to clothe the billionaire idol, we have been chanting our optimistic lies at his feet, until our optimism is the most pessimistic thing I know.

It would seem that a race of beings as old as ours, and as ripe in experience, before this, might have found out that the intelligent framing of our political institutions and the rational administration of our affairs are better than that fantastic and whimsical method called *laissez faire.*

No one who has ever given serious thought to human affairs can have failed in some measure to blanch before the awful preventable waste of human resources and of human aspiration and life. Nothing in all the wearying annals of the race is sadder than this world-waste—this preventable waste—this waste of resource—waste of

life. The late Professor Ritchie once said: "The history of progress is the record of the gradual diminution of waste." The history of progress has been all of this. But it has been more. It has been the intelligent use, and not abuse, of resource and life. It has been the conservation of resource and life.

This idea has found the beginning of a realization in one of the best consummations of the New Politics: in that most useful and most significant movement of modern times known sometimes as the Conservation movement. It is the best illustration in the world of scientific government, "efficiency in management," constructive statecraft: this phase of the New Politics known as Conservation.

There are two or three or four men whose names have become closely connected with the movement (and to them such honor is due as is becoming to fairness and accuracy), who have very much more credit than they deserve. I am inclined to the view of Achilles, that "there were kings before Agamemnon."

It is time for some one to recognize the thousands of trained scientists, especially in the government service at Washington, each man pursuing some undiscovered truth along the untraveled pathway of superhuman labor, for the eternal good of mankind. For one man to flourish these trophies and pose as the father of conservation is quite ridiculous. It is sufficient honor to have been the megaphone of a great movement. The other day Secretary Wilson was introducing me to some of the scientists of the Department of Agriculture. When I ventured to speak appreciatively of his work he waved

his hand toward them and said: "These are the men who must have the honor for the work of this Department. I am here to take the responsibility for its mistakes." It was a handsome tribute by one who could afford to make it.

Nearly a half century ago, Major J. W. Powell, taking his life in his hand (he had only one hand), made the famous passage of the Colorado River with his dauntless companions. He spent years on the great American desert, and his labors, brought out first in his book on The Arid Lands, became the original impulse of the great American Conservation movement. Major Powell was the father of Conservation on this continent.

Conservation is the concerted movement of several thousand scientists in the government service in Washington whose work was set for them nearly a half century ago—more than by any other one man, by Major J. W. Powell. This work has been cumulative. The present Conservation propaganda would have been impossible without the immense quantity of scientific data they have gathered by means of a vast amount of toil of which the American people little dream. With this great mass of material gradually closing into something like a unified and synthetic shape, it would be a poor and unintelligent legislator or administrator who would not make use of it—not but that we have had poor and unintelligent legislators and administrators.

Thus our scientists are giving the world a new lesson in government. More than this, they are giving us a new lesson in Politics. I know of nothing like it in the history of mankind—like this unexpected substitute for

the boss and the machine—like this body of doctrine which shall take the place of Jacobin egotisms, shrieked on our Fourth of July platforms and by our quadrennial spellbinders mouthing the tariff.

Here is the work—here are the investigations—here are the scientific and irrefragable conclusions of some thousands of the most useful men in the world to-day—making a contribution to human civilization and to human progress which has never had its equal. They have essayed the colossal task of the habilitation of a continent. Their "absurd attempt" to make this half of the world over, which is still unmade, and which we in our folly have been making worse, is no less than the beginning of the saving of the continental domain, which is our national home, on terms that will keep it for posterity for thousands of years to come.

Without this work, one hundred years would have seen this continent a wilderness, in respect to several of the elemental resources upon which national prosperity depends.

Conservation is Scientific Government. It is the basis of a new Political Economy. It is the foundation of a New Politics. It is the logical development of the old Nationalism. It has already taught us some very sound lessons as to whether the political doctrine of haphazard is better than that of scientific prevision and precision; as to whether the "absurd attempt to make the world over" is as absurd as its abandonment to anarchy and rapine. The fact is, we have been making the world over. What has been done by the atomist in the scramble of helter-skelter, the blind, unreasoning, and,

I may say, irrational strife, unguided and unchecked by rational constitutions and institutions, is not generally very much to the credit of the human race. But there have been those who have dreamed of making the world over and making it better. It is a dream as old as the aspirations of men; that this old earth of ours, hardly a spot of which has not been wet some time by blood or tears, shall some day become the home of a rational and happy race, when men will no longer slay to steal. Little by little the world itself, for what man has done to it, is becoming a better place to live in; and because of this very foresight and reason and discipline of man, people have become kinder; that is to say, good will has taken the place of enmity, and coöperative effort has supplanted the principle of strife, and civilized and intelligent and scientific government has to a degree supplanted that weird and fantastic old-world gospel of whimsicality and drift, and we are only beginning to dare to dream how much we can do for ourselves and posterity through reason and ethics embodied in our political institutions—through a Constitution framed and construed to "promote the general welfare."

Strange paradox! The scientist has become dreamer. The scientist has dared to dream of the rational ordering of a hemisphere—a half world made over. Some time since, Professor Tyndall gave an epoch-making lecture on "The Scientific Use of the Imagination." Some one, doubtless, is about to write on the imaginative use of science—let us say *applied science*—for science like all other *good* angels must come down out of the clouds to bless the earth.

This matter of making the world over is a case in the direction at least of the desertion of *laissez faire* and the application of intelligence to human government. It is the resurrection of a patriotism which understands that there is a spirit in politics higher than a partisan spirit. The further we can get away from that contemptible motive which rules American politics with scarcely shadow of turning—"my party, right or wrong" —and the further we can advance the principle that human affairs can and ought and must be ordered with scientific foresight, and with naked justice for the common good, the better basis we shall develop for a just and rational government. It involves reëxamination of our politics and its policies—of our whole theory of life. Is this revolutionary? Perhaps it is. The introduction of rational patriotism into American politics would turn our world upside down at once.

But perhaps it would be right side up at last.

It cannot be denied that we need some fundamental change.

We live in a sordid and spiritless age. Frankly, it is a disappointment. We are not justifying our inheritance, our opportunities or ourselves. We are producing no great literature, nor art, nor philosophy. Our religion has lost its hold upon us. We are not producing great and noble men, like the creators and demigods of old. We later Americans have surpassed the world in nothing but in our speculators. We have found our aspirations in the skyscrapers. The register of our ideal is the cash register. This is our distinction. And we seem to be satisfied with it. This shall be our indistinction.

So far the Western Hemisphere has produced no first-rate creative intellectual or spiritual genius. If it is destined some day to achieve something which can be placed alongside the great creations of the human mind, such as long ago did those "architects of cathedrals not made with hands," those "sculptors of the very substance of the soul," "those melodists who improvised the themes upon which subsequent centuries have written variations," why should we not produce the architect who shall frame such plans and specifications of human associations as shall clear away every possible hindrance and raise every possible help to noble living and rational relations among mankind?

That ethical democracy which (let us hope) is destined some day to create a congenial abode for mankind on this Western Hemisphere cannot be conceived apart from the life of that eternal and ever-blessed corner in the eastern Mediterranean where Greece and Palestine—East and West once found meeting—and where mind and spirit have so far reached their most perfect flower. Far to the North the Germans approached it a hundred years ago, then, becoming "Americanized," lapsed into materialism and commercialism again. Why has the world failed of what Socrates and Jesus might have expected of it? Has it not been because the wan ghosts of inspiration have striven vainly in the whirling maelstrom of self-interest? The immortal legacies of Greece and Palestine (which those would banish from the *curricula* of our youth who would live by greed alone) have been locked up in Chancery and are not available assets of the world to whom they

were bequeathed—these our choicest bequests of mind and heart.

We Americans have been content to import our literature, buy our art, and do without philosophy. We have shot off on the perverse and irrational tangent of the miser's instinct. Our dollar-heaping instinct has gone mad. No honorable and worthy future lies in the land toward which we have turned our faces and are approaching with an automobile speed. Except in crass and boastful egoism we can hardly claim to be the flower of all ages if we have no great overwhelming, all-absorbing national aim and passion—if we are content, like a flock of sparrows, to flit aimlessly and twitter glibly, recking nothing of the future, each picking his own seed, adding little to the instinct but that of the magpie.

There was once a time when the world was young. As long before Jesus as Columbus lived before our day, a race of athletes dwelt by the blue Ægean, in the world's spingtime! Dawntime of the human mind—birthday of the human spirit! We still linger lovingly among the broken ruins of Pheidias. We still listen to the interrupted accents of Demosthenes and Pericles. Still Æschylus, Sophocles, Euripides, ageless voices, sound in our ears. Still reason speaks to the modern mind, as if a Prometheus which Socrates, Plato, Aristotle first unchained. Still Homer, the unsurpassed, leads us with his hosts in the banquet rooms and pathways of the gods. And we are sitting here across thirty centuries, old and gray and with shaking knees, shivering by the burnt embers on a hearth where there is no fire. The contemporary of Pericles could have met on the streets of Athens (not

as large as our Omaha) Æschylus, Sophocles, Euripides, Thucydides, Herodotus, Hippocrates and Democritus, Anaxagoras and Aristophanes, Pheidias and Socrates, and Pericles.

Gladstone has somewhere said, "To pass from the study of Homer to the business of the world is to step out of a palace of enchantment into the cold gray light of a polar day." Step out of the street of Athens and across the courtyard of New York. Whom do you meet? You would meet captains of industry under the red flag and captains of finance flying a black one. These are *our* jewels.

It is getting cold down here. There is no fire on our hearth. Is this Hesiod's Iron Age or his Golden Age, or is it the World's Old Age?

The Yankee spirit may have evolved the flower of individualism, but it has not exhausted the fertilities of this Western Hemisphere. The modern city and Gehenna of Individualism may not be the last resource of humanity.

No, the destiny of the Western Hemisphere lies in the direction of the extension and establishment of ethical Democracy—of the people and for the people—*all the people;* and away from the despotism of a financial syndicate of one per cent, by one per cent, and for one per cent. Just cause for hope lies in the fact that ninety-nine per cent of a great nation are stronger than one per cent in force and morale and ninety-nine per cent and God must win.

The Democracy of the future will not be the democracy of Individualism. It will synthesize the Greek form

and Christian content. A true and satisfying theory of the state must be expanded extensively toward something like the Greek ideal and intensively toward the Christian motive—and motive power. To state this synthesis of Greek statics and Christian dynamics will be the supreme task of the future American Thinker. This man will come to us as Socrates came to Athens. He may leave, too, as Socrates left Athens. He will find among us the descendants of the Sophists—that opportunist product of democracy and demagogy—literary and intellectual tradesmen or prostitutes, in the pay of the interests or the parties they represent for hire, men who whether they be legal gentlemen or not are still hired attorneys in fact, retained to "strangle the rights of the present with the fictions of the past." He will find them clever to a degree, shrewd, superficial, plausible, fluent, and unprincipled, proclaiming for a consideration subversive doctrines and beguiling platitudes, shunting every forward movement to the side track of a counter-irritant. To such he will come—but to their dupes as to a field waiting for the husbandman.

A cool, sane thinker, a ripe historian, and a man of faith, he will glean from the past those principles the world has tried, and its best have lived by, and its worst have failed, not having lived by, and to them he will weld another contribution, the world well knows is its best and has *not* tried. Then the Americas will make a new beginning in the history of mankind.

The Americas should be the arena of something new and incomparable and should produce from her unexhausted soil a new type of men and of man. Per-

haps here will be worked out the new Universalism—the true Cosmopolitanism—for it is here the East meets the West. That was a beautiful and prophetic fancy of Alexander's which led him to marry a hundred Greek youth to a hundred Oriental maidens, but the true union of East and West will be at the nuptials of Greek mind and Oriental spirit—the Aryan form with the Semitic content—and will result in a new offspring of Hellenic Ideal and Christian motive. May these two streams meet in one on this Western Hemisphere of ours. Then may the future build by its banks.

The attempt to make the world what it ought to be is not—to a few unfashionable people at least—as absurd as is the complacency of those optimaniacs who believe that "whatever is, is right," and who, therefore, worship the *status quo*. A few dreamy folk are beginning to feel that perhaps if the attempt to make the world over is absurd, it is wicked not at least to try and make it better than it is. If it is ever to be made over or even improved it will never be done by itself, but by the attempt of actual men and women through their rational foresight and will.

As a matter of fact, man has been making the world over from the beginning of intelligence in men. We are what we are to-day better than what we were some thousands of years ago because intelligent beings have made us and our conditions so. We are what we are worse than what we were for lack of intelligence applied to our own affairs. The rôle of intelligence has not been thought out, has not been given a chance in our institutions. There seems to be a destiny for human intelli-

gence in American Politics. It is beginning the "attempt to make the world over," and the absurdity of not making the attempt is dawning upon us.

Sir Philip Sidney wrote to his brother, "When you hear of a good war, go to it." Whoever to-day, endowed with that same naïve and sweet militancy, finds himself bereft of other occupation might do well to remember that we still live in an age of wars and rumors of wars. If there must be war, and if man must struggle and test his limbs, let it be in the cause which when it wins shall record "that war shall be no more." There is good fighting ahead and on a higher plane than on most former fields of strife; fighting of such dignity as shall nerve every arm that would draw the sword—fighting that shall wax fiercer with every decade of this century, and for how much longer does not matter to you and me so far as fighting purposes are concerned after we have laid down our arms. Not in our lifetime, surely, has such a bugle blown; nor has so shrill a note, and so peremptory, awakened men from sleep as now sounds the call in this morn of new battle for the hosts of reason to line up against the hordes of plunder and caprice. Across the battlefield and in the mist we may hear their jangled voices as the first fury spake to the enchained Prometheus.[1]

> We are the ministers of pain and fear,
> And disappointment and mistrust and hate,
> And clinging cries; and as lean dogs pursue
> Thro' wood and lake some struck and sobbing fawn,
> We track all things that weep and bleed and live,
> When the Great King betrays them to our will.

[1] Shelley's Prometheus Unbound, Act I Scene I.

Do we not recognize the challenge? Do we not know the certain note of those voices of the progeny of Individualism? And do we not hear in the background of a chorus of tragedy, older than the tragedy of the Greeks, the plaint of those masses without footing on an unfriendly earth doomed to strive vainly as Sisyphus to keep those they love from famine and shame? Shall we pass by without championing this one unchanging cause—age-long and never won, but always winning—which thrusts itself anew upon every generation; while chivalry arises each time, like the fabled bird from its own ashes, to strive again for the weak against the strong?

Let the nameless and self-seeking herd heap together their dollars and other people's. Let them glut and be drunken. Let them rot and be forgot. But in the world still wanders the spirit older than Pindar: *"Forasmuch as man must die, wherefore should we sit vainly in the dark through a dull and nameless age and without lot in noble deeds?"*

There is a cause which may yet enlist men of belief, and create a new chivalry and a new crusade. It is the cause of the tired, the throttled, the thwarted, the enchained. Name it what you like, in whatever form or disguise it may appear to any age, the irresponsible power of one man over another man is the antediluvian dragon desecrating our sacred liberties. That irresponsible power is enslaving the world to-day. Here it is in our midst in this, our boasted and alleged American democracy, which is not a democracy as long as it is run on the principle of free and unlimited competition between hawks and turtle doves.

It is the twentieth century aspect of the immemorial instinct of prehensile man.

The melancholy shore of the vast age behind us is strewn with the wrecks of nations that have gone to pieces on the promontories of Individualism, and others are floating like huge derelicts among the peoples of the present day. Greece could not survive Individualism. Rome could not survive Individualism. We cannot survive Individualism.

To refuse to accept the lessons of history is to pronounce judgment against our own sanity. History is a stern schoolmaster, but a good one, and to make over and over the same mistakes is to grind out our chance in a treadmill. It is with sorrow, I take it, that the German philosopher said, "Rulers, statesmen, and nations are wont to be emphatically commended to the teaching which experience offers in history. But what experience and history teach is this—that people and the governments never have learned anything from history, or acted on principles deduced from it. The pallid shades of memory struggle in vain with the life and freedom of the present" (Hegel).

Greece and Rome have played their parts in the great human drama, and we have read the pages which record their downfall. Our own history is not yet written, for it is not yet made, but the sober man can see familiar and sinister forces at work in our midst—the same self-indulgence in luxuries not the fruit of honest toil, the insane and inevitable degeneracies and corruptions, as when Jugurtha gained the Senate by bribery. Even Cicero attributed the prevailing corruption of the repub-

lic to the passions of Individualism. He tells us how all private affairs were decided by the private authority of those citizens made eminent and powerful by their private wealth. Long before Cicero, Aristotle bitterly complained that if the Greeks could only work together Greece could rule the world. But there came a day when the Greek historians were to be her tragedians, for in the Greek struggle between State Rights and Nationalism, Individualism prevailed. Read the melancholy record of Thucydides. He wrote that in Sparta and Athens the parties not in power each connived with the enemy in the other state, when "the tie of party was stronger than the tie of blood," and "The seal of faith became not the divine law but partnership in crime." They connived with the enemy for party purposes, as some came fearfully near doing in our late war—sprung with treachery upon us in the Philippines. "An attitude of perfidious antagonism everywhere prevailed," continued Thucydides, "each man looked to his own safety," and "revolution gave birth to every form of wickedness." It was the destiny of Greece solely because of Individualism gone mad, to look upon a promised land it was destined never to inherit. And this was simply because public spirit and patriotism were reduced to cinders by the "Greek fire" of egoism, from which neither the insight nor the outlook of her individual classicism could save it.

We have no right to expect more of atomism than that we, too, shall go to pieces, soon or late, if we do not abandon the fundamental errors which underlie our life theories. It is not an absurd mission—this mission of the new Chivalry and the new Crusade. It is not an

absurd faith—this faith that we can and will make the world a better place to live in. The young men of America to-day are seeking a new Creed. It will be one which was partially phrased in a happy sentence of Dr. August Forel: "Let us not abandon the race to the fatalism of Allah; let us create it ourselves."

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